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ADDITIONS
TO THE
HISTORICAL MEMOIRS
RESPECTING THE
ENGLISH, IRISH, AND SCOTTISH
CATHOLICS,
FROM THE REFORMATION,
THE PRESENT TIME.

By CHARLES BUTLER, Esq. 1750 - 1832
OF LINCOLN'S-INN.

Errat longè, meâ quidem sententiâ,
Qui imperium credit gravius esse aut stabilius
Vi quod sit, quam illud, quod amicitia adjungitur.
TERENCE.

ΩΝΑΝΤΑ ΕΠΙΒΙΚΕΣΙ.

VOL. III.

LONDON:
JOHN MURRAY, ALBEMARLE-STREET.

1821.

Quare quis tandem me reprehendat, si quantum cæteris ad festos dios
ludorum celebrandos, quantum ad alias voluptates, et ad ipsam requiem
animi et corporis conceditur temporis: quantum alii tempestivis conviviis,
quantum aleæ, quantum pilæ, tantum mihi egomet, ad hæc studia reco-
lenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

D'AGUESSEAU.

Luke Hansard & Sons, near Lincoln's-Inn Fields, London.

THE AUTHOR'S WORKS,

AND

SOME OF HIS REMINISCENCES.

Accipe sed facilia.

Buch. ad Mariam, Scot. Reg.

AS the Writer's time of life admonishes him, that this may be the last occasion, on which any literary production of his pen will solicit the attention of the public, he avails himself of it to mention the titles of *all* his works, and to state succinctly some circumstances and observations, which the present publication brings to his recollection. Several works having been imputed to him, in which he has had no concern, and which he knows only by their titles, he takes this opportunity of disclaiming all, which he shall not mention.

M. Pellisson, in his account of M. Huét the celebrated bishop of Avranches, observes of that prelate, that, "from his tenderest years, he gave himself to study; that, at his rising, his going to bed, and during his meals, he was reading, or had others to read to him; that neither the fire of youth, the interruption of business, the variety of his employments, the society of his friends, nor the bustle of the world, could ever moderate his ardour for study*." These expressions the writer has applied, with complete justice, to the reverend Mr. Alban Butler, the author of "The Lives of the Saints," his paternal uncle†: he believes that, with some justice at least, he may also apply them to himself.

* Pellisson, Histoire de l'Académie, 1 vol. p. 102.

† In the account of his life inserted in the 3d vol. of the writer's Works.

It is pleasing to him to reflect, that, though few have exceeded him in the love of literature, or pursued it with greater delight, it never seduced, or was suspected by his professional friends of seducing him, for one moment, from professional duty. M. Teissier*, in his account of one of the French *jurisconsults* noticed in his *Eloges*, mentions that "he was so absorbed in his literary pursuits, that his wife was frequently obliged to drag him from his library to his bureau." To this necessity, the loved and revered person, to whom the writer owed thirty-seven years of happiness, was never exposed.

Very early rising, a systematic division of his time, an abstinence from all company and diversions, by which he was not highly amused, and the habit of never permitting a bit or scrap of time to be unemployed, have furnished him with an abundance of literary hours. The produce of them has often been presented to the public, and he has no reason to be dissatisfied with their reception. It is a great satisfaction to him to reflect, that they do not contain a single line, by which the personal feelings of any person have been hurt.

I.

HE first appeared before the public, in an anonymous *ESSAY ON HOUSES OF INDUSTRY*,—one of the many well-meant, but unavailing attempts, which were made during the last century, to ameliorate the condition of the poor. The county of Norfolk, which had been long split into a court and a country party, was divided in opinion on the probable utility of the scheme. It was advocated by the former, and there was a difference of sentiment among the latter. Sir Harbord Harbord, afterwards advanced to a peerage under the title of Baron Suffield, and Mr. Chad, afterwards created a baronet, opposed it: Mr. Potter, the translator of *Æschylus*, wrote a pamphlet in advocacy of it, and to this, by the desire of Sir Harbord Harbord and Mr. Chad, the writer replied by the

* *Eloges des Hommes Savans tirés de l'Histoire de M. de Thow. Leyde, 4 vol. 12mo.*

Essay, which he has mentioned. It had some circulation in the county, but very little beyond it. The writer has not seen it within the last forty years, and has even forgotten its title. He thinks it was published in 1773.

The success of the plan appeared to him problematical :—he recollects that he then began to entertain an opinion which now seems general,—that, in the whole system of the poor laws there is something radically but incurably wrong.—A gentleman, on whose authority he thinks he can depend, told him, that Mr. Pitt, being on a visit in Essex, descanted with great satisfaction, on the prosperous state of the country, and particularly, on the comfortable condition of the poor. His host let the discourse drop; but contrived that, on the following day, Mr. Pitt should walk into the adjoining town of Halsted. It presented to him a spectacle of the utmost poverty and wretchedness :—he surveyed it for some time in wonder and silence; and then declared that he had no conception that England presented, in any part of it, such a scene: he made a liberal donation to its distressed inhabitants, and soon afterwards brought into parliament a bill for the relief of the poor.—Nothing can show the unmanageable nature of the subject more than the fate of this bill: a slight discussion of it discovered the impracticability of it in all its parts :—yet Mr. Pitt possessed talents of uncommon magnitude, and had every assistance in forming and arranging the bill, which the experience and ingenuity of others could supply.

II.

THE writer's next publication, was a pamphlet of somewhat greater consequence, intituled,—An “ ESSAY ON THE LEGALITY OF IMPRESSING SEAMEN :” it was more favourably received, and went through two editions. It introduced the writer to the acquaintance of the earl of Sandwich, then the first lord of the admiralty; and some pages in the second edition were written by his lordship. It first appeared in the year 1778.—It was occasioned by some attempts, which were made, at that time, to persuade the seamen, that the practice of impressing was contrary both to the law and the constitu-

tion of Great Britain. This notion was particularly patronized by the honourable Temple Luttrell, an active member of the opposition. Ministers were afraid of the consequences, and lord North desired the late Mr. Thomas Astle, the keeper of the records in the Tower, to procure a publication in its defence. He proposed it to the writer of these pages. This gave rise to the pamphlet we have mentioned: it was much read, and was even said to settle the question.

The principal arguments and authorities which it contained, were taken from the speech of sir Michael Foster, (then recorder of Bristol, and afterwards deservedly advanced to be one of the judges of the court of King's Bench), in the case of Alexander Broadfoot, indicted for the murder of a sailor, who was one of a party that endeavoured to impress him. Some additional facts and arguments are adduced in the writer's pamphlet; but, on a recent perusal of it, he found these so few, that, particularly as the subject has long ceased to be a topic of discussion, he would not give it a place in the general collection of his works.

The pamphlet was dedicated to lord Loughborough, at this time his majesty's solicitor-general, and procured for the writer repeated instances of the good-will of that distinguished person. The public did not do his lordship justice: his dereliction of the whigs, to whom he had originally attached himself, in his political career, excited a prejudice against him, from which he never recovered. But his talents, his munificence, his steadiness in friendship, and his literary endowments, it is impossible to deny: the writer found him on every occasion a warm and an active friend.

III.

It has been mentioned, that his Essay on the legality of impressing Seamen, introduced the writer to the earl of Sandwich. In 1779, a captain Baillie published a work, which severely reflected on his lordship's administration of GREENWICH HOSPITAL; it accused him of neglect and corruption, and of conferring several places of rank and emolument in

the hospital on landmen; and thus making its patronage subservient to his lordship's Huntingdonshire politics. His lordship moved, in the Court of King's Bench, for an information against the captain. Mr. Erskine defended him: it was the first time, that he advocated a cause in any court of justice; and never did a first speech elevate an advocate, so instantly, into eminence; he retained it until, at the close of his forensic career, he was advanced to the office of chancellor.

The eloquence of this remarkable man, was an era at the bar. His addresses to juries have not been equalled; they alike captivated their understandings, their imaginations, and their passions: He often rose to the highest oratory; but it was always simple; and even in his most daring flights, there was much that was very familiar; but this rather set off than clouded their splendour, rather increased than diminished their general effect. His skill in the conduct of a cause, and in the examination of witnesses, has never been surpassed: his discretion never forsook him; his manners were always most gentlemanly. At the bar he was uniformly loved and admired; and, when he quitted the seals, no one, as lord Eldon justly remarked of him, could have a greater wish to discharge properly the office which was conferred on him, or greater talents to qualify him for a proper discharge of it. A true friend to constitutional liberty, he was its constant and animated advocate; but he never failed in respect to the crown, or sacrificed to the prejudices or vagaries of the populace.

His speech against the information for which lord Sandwich applied was successful: the information was refused, and prejudice ran high against the noble peer. This produced an inquiry, in the house of lords, into his lordship's management of Greenwich hospital. It was conducted by the duke of Richmond with ability, and the most pertinacious and persevering industry. Lord Sandwich entrusted his defence to the writer of these pages:—his labour was great,—and, as it led to no information that could be of use to him on any future occasion, it was most ungrateful. He prepared the

speech, which his lordship delivered in his defence: it was most favourably received both by the house and the public:—some other papers circulated by his lordship on this occasion were also prepared by him.

Lord Sandwich might serve as a model for a man of business.—He rose early, he often appointed the writer to attend him at six o'clock in the morning; and his time, from that hour, till a late dinner, was wholly dedicated to business: he was very methodical; slow, but not wearisome, cautious but not suspicious, rather a man of sense than a man of talent; had much real good nature; his promises might be relied on. His manners partook of the old court; and he possessed, in a singular degree, the art of attaching persons of every rank to him. Few houses were more pleasant or instructive, than his lordship's; it was filled with rank and talent, and every one was at ease. He professed to be fond of music, and musicians flocked to him; he was the soul of the catch club, and one of the directors of the concert of ancient music;—but,—(which is the case of more than one noble amateur),—he had not the least real ear for music, and was equally insensible of harmony and melody.

IV.

ABOUT this time the writer amused himself in an inquiry, the result of which he afterwards stated in a private letter to a friend, who, without his knowledge, almost immediately published it in the Anti-jacobin Review. As it is a very harmless production, and contains some particulars on a subject, in which the public has taken and still continues to take great interest,—the authorship of the celebrated letters under the name of JUNIUS,—the writer gives it a place in these pages.

The inquiry was made by him in conjunction with the celebrated Mr. Wilkes,—a delightful and instructive companion,—but too often offensive by his freedom of speech, when religion or the sex was mentioned. The writer's acquaintance with him did not begin till his political turmoils were at an end.

In his manner and habits, he was an elegant epicurean, yet it was evident to all his intimates that he feared,

" Aliquos manes et subterranea regna."

HOR.

In his real politics, he was an aristocrat, and would much rather have been a favoured courtier at Versailles, than the most commanding orator in St. Stephen's chapel. His distresses threw him into politics; he assumed the character of a staunch whig, and his consistency must be admitted by all.

He thought highly of the talents and firmness of the late king,—and was persuaded that a ministry protected by him could not, without some singular blunder, or some event singularly unlucky, be shaken by any opposition: he predicted that the coalition between lord North and Mr. Fox would produce a total disbelief of public virtue, and create a third party, equally hostile to ministers and the opposition-aristocracy. He said, that the distinction which has been supposed to exist between the friends of the king and the friends of the minister, originated in the councils of lord Bath, when he went over to the ministry, on his dereliction of the popular party.

In one of the conversations, which Mr. Fox permitted the writer of these pages to hold with him, that great man expressed the same opinion. He said that no one could conceive the extent and effect of the influence of the crown, who had not had opportunities of observing its direct or indirect operation on every state and condition of life.—" While Mr. Pitt," he said, " was in office, you all attributed, in some degree at least, his overwhelming majorities, to his talents and eloquence: these, I am as willing, as any other man can be, to admit; but you now have Mr. Addington, and the majorities do not decrease."—Might it not have been observed to Mr. Fox, that he himself had in some measure been the cause of these majorities? Had there been no coalition, no India bill, nothing in short in the politics of Mr. Fox, which had prejudiced,—it may be unjustly,—a very large portion of the people of England against him, might not he and the illustrious band, which surrounded him, have been able, we will not say to make the minister surrender at discretion, but

to lessen considerably his majorities, and thus reduce him to terms? Perhaps the real nature and effect of this influence so often mentioned, and so seldom justly appreciated, will not be known, till we behold an opposition formed of men not only of eminent talents and high honour, but possessing the full confidence and attachment of the body of the people.

A profound treatise on the subject of influence is wanted. That some influence in the crown is necessary must be admitted: without it, the inertness of some, and the waywardness of others, would paralyse all the operations even of good and able ministers. To ascertain that exact amount of influence, which would give activity and effect to the measures of government, without enabling the crown to act long in opposition to the just wishes of the people, would as certainly be as useful, as it is an arduous inquiry.

Mr. Wilkes abounded in anecdote and wit: and this was so constantly at his command, that wagers have been gained, that from the time he quitted his house near Story's Gate, till he reached Guildhall, no one would address him, who should leave him without a smile, or a hearty laugh. Notwithstanding their feuds, lord Sandwich and he were partial to each other. On one occasion, the writer of these pages, not having been quite punctual in time to an appointment, which lord Sandwich had made for him, it was, (not good-naturedly), mentioned to his lordship, that the writer dined with Mr. Wilkes:—"Well then," said lord Sandwich, "the fascination of Wilkes has made me break appointments so often, that it is but fair he should make a person once break his appointment with me."

Mr. Wilkes had written the history of his life; and earnestly requested the writer to be his executor, under a condition of printing it entire and unaltered. With this view he indulged the writer with the perusal of it: the writer declined the charge: he has been informed that, on the death of Mr. Wilkes, the cover of the book was found with all the leaves of it cut out. The public has no reason to regret its loss.

One of the amusements of Mr. Wilkes and the writer was an attempt to discover the author of Junius's Letters. With this view, we perused all of them with great attention,

examined many of the originals, collected and sifted all the anecdotes we could learn, and weighed all the opinions and conjectures which we could hear of. The result is generally stated in the letter, to which the writer has alluded, and which he will now transcribe.

“ Dear Sir,

“ THE conversations I had with Mr. Wilkes, on the subject of Junius's Letters, took place from 1776 to about 1784, during which time I lived with him in great intimacy; he even entrusted me with the manuscript memoirs of his life. In his public or political parties I never mixed, but I lived much with him in private; there he appeared to the greatest advantage; he was highly respected and loved by those who lived with him on that footing, and I think, with great pleasure, that I was one of them.

“ Far from giving the least hint that he was the author of Junius's Letters, he always explicitly disclaimed it, and treated it as a ridiculous supposition. No one acquainted with his style can suspect, for a moment, that he was the author of them; the merit of his style was simplicity; he had both gaiety and strength, but to the rancorous sarcasms, the lofty contempt, with which Junius's Letters abound, no one was a greater stranger than Mr. Wilkes. To this may be added, the very slighting manner in which Junius expresses himself of Mr. Wilkes. I am willing to admit, that if Mr. Wilkes had written Junius's Letters, he would have treated Mr. Wilkes uncivilly, for the sake of disguising himself. But sneer, and particularly that kind of sneer, which Mr. Wilkes occasionally receives from Junius, you may be assured, Mr. Wilkes could never have used in speaking of himself. With respect, therefore, to his having said to your friend that, “ at his ascension, the author of Junius would “ be known,” I am confident he never used those words, or any words like them. You mention to me your having heard that Junius's Letters were printed off before they were delivered to the printer. This was not the fact; if it had been true, it would have put Mr. Wilkes's authorship wholly out of the question, as he had no convenience whatever for

printing. I once procured a copy to be made for him of some very private papers, and he then greatly lamented to me his want of a private press.

“ Our conversations on Junius’s Letters began from a whimsical circumstance. Business having carried me to Ireland in 1776, I wrote to Mr. Wilkes from Holyhead; on my return, he informed me that my letter had been stopped at the post-office, from the similarity of the hand-writing to that of Junius. This made me wish to see the original of Junius’s Letters, and he produced them to me. We more than once examined them together, with great attention. All of them, except the letter to the king, are, if I remember rightly, in the same hand-writing. It is like that which well-educated ladies wrote about the beginning of the century; a large open hand, regular, approaching to the Italian. Mr. Wilkes had a card of invitation to dinner from old lady Temple, written in her own hand; on comparing it with Junius’s Letters, we thought there was some resemblance between them. The letter to the King was in a hand-writing perfectly different; a very regular, staid hand; no difference between the fair stroke and the body of the letters; when I see you I will show you some writing very similar to it. As to my own hand-writing, it has not now the slightest resemblance to it, nor do I think it ever had any.

“ The letters, generally, if not always, were sent in an envelope, (which was then by no means so general as it now is,) and in the folding up, and the direction of the letter, we thought we could see marks of the writer’s habit of folding and directing official letters. The lines were very even; very few blots, erasures, or marks of hurry. Mr. Wilkes received many letters from Junius, which never were published; one, in particular, on the subject of improving the representation of the people. Their opinions were different. I remember Junius’s letter began by his saying, ‘ he was treated as a pagan idol, with much incense, but with no attention to his oracles.’

“ We thought his high-wrought panegyric of lord Chatham was ironical.

“ Mr. Wilkes scouted the notion of Mr. Burke’s being the

author of the letters. His suspicions fell on Dr. B. bishop of H. but I don't recollect more than two reasons assigned by him for suspecting his lordship; one, that he had published a sermon, before Junius's Letters appeared, the style of which was very like that of the letters; another after the letters appeared, in a style wholly unlike. These sermons, I think, I have seen, and that they did not appear to me to warrant Mr. Wilkes's observations. The other reason was, that the references in the letters to the Bible were not to the received translation, but to the Vulgate, which, he said, the bishop always used, and which, (by the way,) Mr. Wilkes greatly admired. He described the bishop to be a saturnine, observing, profound, and silent man, such an one as, *a priori*, we should suppose Junius. But it was a mere suspicion, and we frequently amused ourselves with endeavouring to find a more likely person.

" Arguing synthetically, we determined that Junius must be a resident in London, or its environs, from the immediate answers which he generally gave his adversaries; that he was not an author by profession, from the visible improvement which, from time to time, was discernible in his style; that he was a man of high rank, from the tone of equality which he seemed to use quite naturally in his addresses to persons of rank, and in his expressions respecting them; that he was not a profound lawyer, from the gross inaccuracy of some of his legal expressions; that he had a personal animosity against the king, the duke of Bedford, and lord Mansfield, from the bitterness of his expressions respecting them; that he had lived with military men, from the propriety of his language on military subjects; and that he was a great reader of novels, from his frequent allusions to them. The general idea, that the letters were the composition of more than one person, we always rejected. The story that single-speech Hamilton informed one of his friends, that the Junius of the morning contained such and such passages; and that, till the subsequent day, no such Junius made his appearance, we thought sufficiently authenticated; and we also thought it satisfactorily accounted for, by the supposition that Woodfall had shown the letter to Mr. Hamilton on the preceding day,

and mentioned his intention of inserting it, but had been unexpectedly prevented. We also believed in the story, that while Garrick was writing a note to Mr. Ramus, or some other of the pages, Woodfall, or some one from him, came in and informed him, that Junius intended writing no more; that Garrick mentioned this circumstance in the note; and that, almost instantly, after the note was sent, a thundering letter came from Junius to Garrick, abusing him for making free with his name. It was also mentioned to us from very good authority, that lord North had declared that government had traced the portage of the letters to an obscure person in Staple-inn, but could never trace them farther.

“ This is all I can collect of the conversations which passed between Mr. Wilkes and myself on the subject in question. I have endeavoured to be accurate in my recollection of them; but you will remember it verges towards twenty years since they took place. I apprehend the original letters are in the custody of Miss Wilkes.

“ Edmund Burke spoke to me about Junius in terms of disgust; Mr. Gibbon appeared to me not to admire his style, as much as it was admired by the public in general; and he told me that Mr. Fox thought slightly of it.

“ Some letters, under the signature of Julian, were attributed to Junius; but, to my certain knowledge, they were written by one Pillon, the author of some dramatic pieces of no great merit. Some respectable persons say that Mr. Forth, who attended lord Stormont's embassy, knows something of the author.

“ The last anecdote on the subject I have heard is, that an old man, seemingly poverty-stricken, came in the Bath coach to the Devizes, or one of the next stages, and fell sick at the inn; that a very decent gentleman came to him from London; that the old man died; that he was buried in the churchyard; that over his tomb his friend caused a stone to be raised with Junius's motto, “ Stat nominis umbra ;” and that Mr. Fox, travelling that road, stopped at the inn, and desired to be directed to the stone. This story is confidentially circulated, but I certainly do not vouch for the truth of it.

“ As for Macauley Boyd's being the author of Junius's

Letters, it is a perfect joke ; no two characters can be more perfectly unlike than Boyd's and Junius's. Boyd was a good-natured, lively man, famous for repeating lord Chatham's and Burke's speeches, and always bustling about something or another. I remember, very well, the infinite pains he took to persuade the world that the Pereaues were innocent. He must have been very young when Junius's Letters were written. All who knew him must think the notion of his being the author of Junius's Letters too absurd for discussion.

" It has appeared strange, that government could not discover Junius, through the medium of the post-office. Upon this, I must observe, that I know a lady, who, for a long period of time, received by the post anonymous letters, some of them written in blood, accusing her of the most atrocious crimes. She was nearly related to a nobleman, very high in office ; by his desire, all the powers of government were exerted to discover the writer of the letters, but without success.

" You are aware, that the person now suspected of being the author of Junius's Letters is a Mr. Dyer, an intimate of the Burkes. It is said, that on Mr. Dyer's decease, the Burkes showed infinite anxiety to get his papers into their hands ; all this may be very true, but I have never heard it from good authority.

" I am, dear Sir,

" *Most sincerely yours,*

" July, 1799."

* * *

Since this time, the authorship of these letters has excited much of the attention of the public. The only conjectures, which deserve any consideration, are those, which ascribe them to Mr. Glover, the author of Leonidas, to Mr. Burke, or to sir Philip Francis. To support the pretensions of the former, no evidence is adduced, except that something of the high whig principles of Junius, is discoverable in the volume, which has been published of Glover's Memoirs ; and that Glover is known to have lived in an elevated line of society, in which

the same principles were professed. This evidence amounts to little, and the style of his Memoirs is very unlike that of Junius.

Many contend in favour of Mr. Burke:—this, among his countrymen, is a general opinion, but it is accompanied by no evidence. One argument only is adduced in support of his claim. Mr. Burke was equal to the composition of the letters of Junius, and he was the only person, living at the time when they appeared, whose literary eminence was so transcendent, that he could afford to throw away the reputation of them.

Attended by other circumstances, this might have weight; but standing singly, it has none. Between the styles of Junius and Burke, there is a great dissimilitude:—it is answered, that Mr. Burke could disguise his style. But could he disguise his mind? Could he write so many letters in a mind lower than his own? Mr. Burke generalized every thing, Junius dwelt for ever in particulars. Can any reason be assigned for attributing to Mr. Burke the *personal* hatred, which Junius evidently had for his late majesty? for the duke of Bedford? or for lord Mansfield? Those, who knew the very lofty notions, which Mr. Burke entertained of himself, and his ministerial powers and qualifications, must know, that he never would have written the line, “I accept a smile from Burke, a sarcasm from Barré.” Those too, who know the labour, which any literary exertion cost Mr. Burke, his endless blots, emendations and transcriptions, and ultimately his private impressions, still blotted and still amended, must be sensible how irreconcilable all this is with the fecundity and rapidity of Junius. Finally,—it should not be forgotten that, as the question now stands, the task is not to prove that Burke was not, but that he was the author of the Letters.

It remains to consider the claim of sir Philip Francis: the external evidence in favour of it is very strong:—so strong, perhaps, that, if he had been tried upon it for a libel, and the case had rested upon the facts from which this external evidence is formed, the judge would have directed the jury to

find him guilty. But the internal evidence against him, from the inequality of his acknowledged writings, is also very strong. If the able author of the article "Junius," in the *Edinburgh Review*, had not professed a different opinion, the present writer would have pronounced it decisive.

This respectable writer produces several passages from the works, of which sir Philip was certainly the author, and finds in them a similar tone and equal merit. With due deference to his authority, the present writer begs leave to think, that if these passages show that sir Philip was no mean writer, they also prove that he was not Junius. To bring the question to a direct issue,—are the glow and loftiness discernible in every page of Junius, once visible in any of these extracts? assuredly not. Where do we find in the writings of sir Philip those thoughts that breathe, those words that burn, which Junius scatters in every page?

The advocates of the claim in favour of sir Philip urge, as a strong circumstance in its support, that, without family, without patronage, without any one pretension to the notice of the king or the minister, he was suddenly raised, from an obscure seat in the war office, to a situation of dignity and emolument, which a nobleman would be happy to procure for his son. This, they say, shows that something was attached to sir Philip Francis, which rendered the purchase of him, at this time, even at a very high price, an object to government. Now, at this critical moment Junius ceased to write:—this, they say, makes it highly probable that the silence of Junius was purchased by the promotion of sir Philip.

Such, in our opinion, is the state of the argument: all external evidence is for him, all internal evidence is against him. Thus the argument on each side neutralizes the argument on the other, and the pretension of sir Philip, vanishes.

A third hypothesis is therefore necessary. To establish the conclusion, which it should establish, this hypothesis must be such as is consistent with the evidence on each side, and restores to each its separate activity.

Now this is done,—and perhaps it can only be done,—by supposing that sir Philip was not Junius, but the amanuensis

of Junius; that the real Junius was too high to be bought.—So that, when he made his terms with government, he was contented to remain in a proud obscurity,—but stipulated for a gratification to his humble scribe; and was of consequence enough to insist that the boon should be liberal.

To this hypothesis the writer begs leave to say that he inclines: it includes all the data required by him for the author of Junius; it equally admits the arguments in favour of sir Philip Francis from external, and the arguments against him from internal evidence, and reconciles and gives activity to each.

The expression attributed to lord North, in the letter transcribed by the writer, has been confirmed to him within these few days, by a gentleman present when it was spoken,—with this additional circumstance, that the resident in Staple Inn to whom it referred, was afterwards said to be, the celebrated Mr. Isaac Reade, famed for his literary acquaintance among all ranks of men.

V.

THE writer's next literary exertion was of a professional nature,—THE CONTINUATION AND COMPLETION OF MR. HARGRAVE'S EDITION OF COKE ON LITTLETON.

The merit of Littleton's Tenures is great: neither England nor the continent can produce any contemporaneous work on the subject of law, of equal or even approaching merit. But it may be reproached with a general want of definition, and some want of order; neither is it wholly free from error.

The Commentary of sir Edward Coke is an extraordinary work: the writer of these pages has attempted to give, in the preface to his edition of it, a view of its eminent and peculiar merit. The language of sir Edward Coke is the purest English, and everywhere most clear: but the doctrines and illustrations are often so subtle and abstruse, as to require the utmost stretch, even of the strongest understanding, to comprehend them. A profound algebraist once mentioned to the writer, that he had never found in that science, a problem, which it required so much exertion of the mind to solve, as

was required to understand some passage in almost every page of this celebrated Commentary. Both lord Mansfield and lord Thurlow expressed the highest opinion of Littleton, but a very different opinion of Coke. It is very remarkable that, some English gentlemen, in nowise connected with the profession of the law, beguiled their tedious exile at Verdun, with a serious perusal of this work, and have often spoken of the great mental delight which it afforded them.

After employing eleven years in editing half of the work, Mr. Hargrave, its first editor, abandoned it. His annotations exhibit the most profound and extensive learning, and the finest discrimination: it has been imputed to them as a fault, that they are too often employed on subjects foreign to the text and sometimes obsolete. On Mr. Hargrave's resigning the work, it was committed to the editor, but with a request, amounting almost to a condition, that it should be completed within the four ensuing terms; a period little exceeding in its months, the number of years employed on the portion of the work published by Mr. Hargrave. To a perfect execution of it, an explanation or illustration of every sentence, where these were wanted,—(and sentences of this nature are very numerous),—would have been necessary. Such a system, of minute annotation was incompatible with the shortness of the period allowed to the editor for the execution of his task;—nor had it been pursued by Mr. Hargrave. The second editor, therefore, adopted that gentleman's plan of extended annotation:—his labours have been most favourably received; but he has never disguised to himself, that this was chiefly owing to the value and importance of the work, to which his annotations are appended. One more edition of it, more complete than the former, he yet hopes to give.

VI.

THE writer now proceeds to mention his other professional publications:

The first was, "*HORÆ JURIDICÆ SUBSECIVÆ*, being a "connected Series of Notes respecting the Geography, Chronology, and Literary History of the principal Codes and
VOL. III.

“ original Documents of the Grecian, Roman, Feudal, and
“ Canon Law.”

The first literary work which the writer sat down seriously to compose was a History of the Feudal Law :—a succinct outline of which, completed by him before the year 1772, is now in his possession : it was the ground-work of the long annotation on feuds, inserted by him in his continuation of Mr. Hargrave’s edition of Coke upon Littleton ; and a large portion of which forms, in the work of which he is now speaking, the article on the feudal law. For all the other articles he must acknowledge that he was slenderly qualified.

His acquaintance with the civil law was limited to an attentive perusal of the *Institutes*, both in the original, and Dr. Harris’s excellent translation ; of the useful notes to that work ; and of such articles in the *Digest* as related to the acquisition and transmission of property. He had read some articles in Cujas, Voet and Huber, with the greatest satisfaction. Few works have given him more pleasure than the “ *Antiquitatum Romanarum Syntagma*,” of Heineccius ; the same author’s “ *Historia Juris Romani et Germanici* ; the *Historia Juris Romani* of Brunquellus, and the *Orbis Romanus* of Spanheim. From the first of these works, the elegant and philosophical view of the Roman law presented by Mr. Gibbon to the readers of his History, is principally extracted. It has often occurred to the writer, that, for persons designed for parliament or the bar, the interval between studies merely classical and studies practically useful, could not be employed better than in the perusal of the *Institutes*, in the edition of them by Dr. Harris, and the *Syntagma* of Heineccius, as a commentary.

The whole of the *Liber Feudorum*, with the commentary of Cujas,—and of *Du Moulin’s Traité des Fiefs* ;—of some of the *Plaidoyers of the chancellor d’Aguesseau*, and of some portions of different works of *Pothier*, he had perused. His reading on public law had been confined to a portion, not very large, of *Vattel*.

Some circumstances have required him to consult frequently and largely the *Jus Ecclesiasticum* of *Van Espen* ; the only work, perhaps, which the continent has produced, that can

be compared with Mr. Justice Blackstone's Commentaries. It presents the same pleasing mixture of historical, philosophical, and practical jurisprudence, and is written with equal perspicuity and method; and, perhaps, with greater knowledge of forensic instruments and proceedings.

The perusal of the works he has mentioned, and conversations with many of the respectable magistrates, whom the French revolution sent into this country, have convinced the writer, that we undervalue the general wisdom of the civil law, and the administration of justice in France, under the ancien tregime. The notions generally entertained respecting the venality of judicial offices in that kingdom, and the easy corruption of its magistrates by presents and solicitations, are quite erroneous.

VII.

THE writer apprehends, that the five codes of law, compiled under the eye of Buonaparte, though in some respects justly objectionable, will always be honourable to his memory. He himself thought so favourably of them, as to express to a friend of the writer, a wish, that he might descend to posterity with these in his hands. It is greatly to be desired, that some one, properly qualified for the task, would favour the public with a comparative view of their leading principles, and those of the law of England. Unfortunately, such a work can be expected from none but a person, who is at once conversant with the principles, the theory and the practice of the jurisprudence of both countries: and *Romilly* is now no more.

THE DISCUSSIONS SUR LE CODE CIVIL, show the manner in which that code was compiled: Buonaparte appears in them to great advantage. The magistrates, who assisted at them, possessed unquestionably great talents; but Buonaparte frequently enters the lists with them, generally shows himself their equal, at times their superior, and always takes the humane and liberal side. It adds to his honour, that between him and his assessors no distinction of rank is ever discernible: Pliny could not act with greater ease, or speak with more freedom before Trajan, than the assessors of Buonaparte acted and spoke before him.

Some observations on these codes, which the writer had committed to paper, having been communicated to a literary friend, that gentleman moulded them into a regular critique, which appeared in two articles in the *Monthly Review*.—He has frequently wished for leisure to compose a regular review of the Code Civil, the master-piece of Buonaparte's legislation. It is likely to become the civil code of the European continent.

The writer was particularly pleased with the discussion *On the Interpretation of Laws*, with which the Discussions sur le Code Civil commence. He begs leave to detain his readers for a short time on this important subject.

He has long thought that no work would be more useful than one, which should show, where interpretation should stop, and legislation begin. The extent and uncertainty in the civil law, and we are sorry to add, of our own, is chiefly owing to the want of ascertaining and observing this boundary. As far as the writer can learn, the French courts of justice have shown greater moderation than our own, in the exercise of this important privilege of judicature. 1. The introduction of the practice of barring entails by common recoveries and fines, which the judges interpreted to be real, though they knew them to be fictitious processes: 2. The preservation of uses under the appellation of trusts, in the teeth of a solemn act of the legislature: 3. The various modes by which verbal agreements are supported against the statute of frauds: 4. And the doctrine, that notice of a deed shall supply the want of its registration, though otherwise essential to its validity, are but a small proportion of the instances, in which the decisions of our courts have had something very like legislative enactments.

In the instance last cited, the courts of law of England and France are directly at variance: this circumstance appears to the writer to deserve a particular mention.

Several points of the laws of France respecting substitutions, —(or entails),—being unsettled, and the laws respecting them being different in different parts of the kingdom, they were all reduced into one law, by the celebrated ordonnance of August 1747. That ordonnance was framed by the chancellor

d'Aguesseau, after taking the sentiments of every parliament in the kingdom, upon forty-five different questions. The thirty-ninth question is, "whether a creditor or purchaser, having notice of the substitution,"—(that is, of the entail), "before his contract or purchase, is to be admitted to plead the want of its registration?" All the parliaments except the parliament of Flanders, agreed, that he was; that, to admit the contrary doctrine, would make it always open to argument, whether the party had or had not notice of the substitution; that this would lead to endless uncertainty, confusion and perjury; and that it was much better that the right of the subject should depend upon certain and fixed principles of law, than upon rules and constructions of equity which must be arbitrary and consequently uncertain. The ordonnance of August 1747 was framed accordingly. Those, who have commented upon that ordonnance, lay it down as a fixed and undeniable principle, that nothing, not even the most actual and direct notice, countervails the want of registration; so that, if a person be a witness, or even a party to the deed of substitution or entail, still, if it be not registered, he may safely purchase the property substituted, or lend money upon a mortgage of it*. Thus the legislature of France having made the registration of a deed necessary in some instances, to its validity, its courts of justice refused to except from the general provision, those cases, where a subsequent purchaser or mortgagee of the property has notice of the deed, and is not therefore injured by its want of registration. A contrary system has been adopted by the courts of equity of this country: many and great inconveniences have followed, and we believe that its adoption is now generally lamented.

* See Questions concernant les Substitutions, Toulouse, 1770; and Commentaire de l'Ordonnance de Louis XV, par M. Furgole, à Paris, 1767. It is remarkable, that, the same principle has been received into the *Code Civil de Napoléon*. See articles 1060 and 1072.

Perhaps interpretative legislation was never carried so far as in the decisions upon the Annuity Act of 1777.

VIII.

LONG after this time, the writer again appeared before the public in the humble character of *Editor of Mr. Fearn's Essay on Contingent Remainders*, one of the most profound and useful works that have issued from the legal presses of this country.

Mr. Fearn was a general scholar: he was profoundly versed in mathematics, chemistry, and mechanics. He had obtained a patent for dyeing scarlet, and solicited one for a preparation of porcelain; a friend of the writer having communicated to an eminent gunsmith, a project of a musket, of greater power and much less size than the musket in ordinary use, the gunsmith pointed out to him its defects; and observed, that "a Mr. Fearn, an obscure law-man, in Bream's-buildings, Chancery-lane, had produced a musket, which, although defective, was much nearer the attainment of the object."

Mr. Fearn had composed a treatise, in the Greek language, on the Greek accents; another on the Retreat of the Ten Thousand. He mentioned to the present writer, that, when he resolved to dedicate himself to the study of the law, he burned his profane library and wept over its flames: and that the works, which he most regretted, were the Homilies of St. John Chrysostom to the people of Antioch, and the Comedies of Aristophanes.

Of the transcendent merit of the *Essay on Contingent Remainders* there is only one opinion: the writer's edition of it appears to have been favourably received: he cannot flatter himself that it has added much to the intrinsic value of the work, unless it has been by pointing out its beautiful method and analytical arrangement, which, except by those, who were familiar both with the subject and the work, were from the mode of its publication, scarcely to be observed.

IX.

Another legal publication of the writer, if it deserve that appellation, is a short *Essay on the Character of Lord Mansfield*, which he composed, at the request of the late Mr. Seward, and which was inserted by him in his *Anecdotes*. Probably the following reminiscences of his lordship and some other great magistrates of our times,—and some remarks which the writer formerly committed to paper on Mr. Hume's *Essay on Eloquence*,—will not be unacceptable to the reader.

IX. 1. To *lord Mansfield* the writer ever thought that the public, and particularly the bar, were unjust. His lordship had not the profound knowledge of constitutional lore, that was possessed by lord Hale; or of the doctrines and forms of courts of law, that was possessed by lord Holt,—or of the doctrines and forms of equity, that was possessed by lord Hardwicke, and which is displayed by the present chancellor: but, what his lordship did know, he knew well; and he knew much more than is generally supposed. A great part of the present system of our law on marine insurances, of our mercantile code, of our law of bankruptcy, and our law of parochial settlement, stands upon his decisions:—and that abstruse and complicated, but coherent and salutary system, now received both in courts of law and courts of equity, that the power of alienation of property may be suspended for one or more lives in being and twenty-one years, with an allowance of a few months for the period of gestation, was not settled, as his lordship himself observed in one of his decisions, until his time.

At the period when the writer engaged in the profession of the law, the talents displayed by *lord Hardwicke* in the senate and on the bench, were the universal theme of admiration and applause. Some,—but faintly,—blamed him for too frequently permitting principles of equity to control rules of law,—and this charge was occasionally insinuated by lord Northington, his immediate successor. But, the eminent merit of his lordship's general administration of

justice in his court, was admitted by all. As far as we can form an opinion of it by the reports of the cases determined in his time, by Mr. Atkins and Mr. Vesey, his style of speaking was easy, copious and dignified:—Both Mr. Burke and Mr. Wilkes in describing it to the writer, used the same words,—that, “when lord Hardwicke spoke, wisdom herself “seemed to be speaking.”

The writer distinctly remembers *lord Camden's* presiding in the court of Chancery, and lord Mansfield's in the King's Bench. Both excelled in judicial oratory; but the eloquence of each was different. Lord Camden's was of the colloquial kind,—extremely simple; diffuse, but not desultory. He introduced legal idioms frequently, and always with a pleasing and great effect. His manner is very discernible in the anonymous “*Treatise of the Process of Latitat in Wales,*” published in Mr. Hargrave's Law Tracts. In a note to Mr. Hargrave, which that gentleman communicated to the writer, his lordship acknowledged himself to be its author.

Lord Mansfield had, among his contemporaries, those, who were his superiors in force, and those, who equalled him in persuasion,—but neither a rival or a second in insinuation. His statement of a case was admirable; Mr. Burke mentioned to the writer that he thought this of itself was worth the argument of any other man. His lordship divested it of all unnecessary circumstances; brought together all that were important, placed these in so striking a point of view, and connected them by observations, at once so powerful, and apparently so natural, that frequently the hearer was convinced before the argument was opened. When he argued, he showed equal ability, but it was a mode of argument almost peculiar to himself. His statement of the case had predisposed the hearers to fall into the very train of thought he wished. Through the whole of his argument he accompanied them,—leading them insensibly to every observation favourable to the conclusion, which he wished them to draw, and weakening or repelling every objection to it; but, all the time, keeping himself concealed; so that the hearers thought

they formed their opinions in consequence of their own reasoning and discernment, when it was in reality the effect of the most subtle argumentation and refined dialectic of his lordship's oratory.

Lord Thurlow's speeches from the bench were very different. They were strongly marked by the depth of legal knowledge, and the force of expression which they displayed, and by the overwhelming power with which he propounded the result. But they were too often enveloped in obscurity, and sometimes reason was rather silenced than convinced.

Lord Loughborough, afterwards earl Rosslyn, seldom had justice done to his heart or his talents : we have mentioned his dereliction of the whigs to whom he first attached himself in politics, and its having raised against him a prejudice, from which he never recovered. Long he ranked among the warmest and ablest friends of catholic emancipation, but in an evil hour, he sacrificed them at the commencement of lord Grenville's administration to the cry of "no popery," and instilled into the royal ear, the scruples on the coronation oath. Of this, it is said, his lordship afterwards repented.

His judicial oratory was exquisite. The greatest detractors from his merit acknowledged the perspicuity, the luminous order and chaste elegance of his arguments. Like lord Camden, he frequently and successfully introduced law phrases into them. His greatest failings were, that he too clearly showed his want of attention to much which he heard from the bar, and his want of real taste for legal learning. With this taste, lord Mansfield, lord Camden and lord Thurlow were thoroughly imbued. Lord Thurlow, long after he descended from the bench, sought for legal occupation. Lord Glenbervie once suggested to the writer lord Mansfield's administration of law as an interesting subject to employ the *horæ subsecivæ* of a philosophic lawyer. The writer thought of it, but soon felt that he was disqualified for it by his ignorance of the law of marine insurance and parochial settlement.

The most perfect model of judicial eloquence which has come under his observation is that of *sir William Grant*.—In

hearing him it was impossible not to think of the character given of Menelaus, by Homer, or rather by Pope ;—that,

“ He spoke no more than just the thing he ought.”

But sir William *did* much more:—in decomposing and analyzing an immense mass of confused and contradictory matter, and forming clear and unquestionable results, the sight of his mind was infinite. His exposition of facts, and of the consequences deducible from them, his discussion of former decisions, and showing their legitimate weight and authority, and their real bearings upon the point in question were above praise: but the whole was done with such admirable ease and simplicity, that while real judges felt its supreme excellence, the herd of hearers believed that they should have done the same.

Never was the merit of Dr. Johnson's definition of a perfect style,—“ proper words in proper places,” more sensibly felt than it was by those who listened to sir William Grant. The charm of it was indescribable ;—its effect on the hearers was that which Milton describes, when he paints Adam listening to the angel after the angel had ceased to speak ;—often and often has the writer beheld the bar listening, at the close of a judgment given by sir William, with the same feeling of admiration at what they had heard, and the same regret that it was heard no more.

LX. 2. *Mr. Hume's Essay on Eloquence* has been deservedly praised ; but it appears to contain some passages which are open to observation.

1. He mentions that “ there were about half a dozen “ speakers in the two houses, who, in the judgment of the “ public, had very near the same pitch of eloquence ; and “ that no man pretended to give any one the preference above “ the rest.” This might be true when Mr. Hume wrote, but certainly it has not been the case in our time. Beside Mr. Pitt and Mr. Fox, we had about a dozen speakers, as lord Mansfield, lord Camden, lord Thurlow, lord Loughborough, lord Ashburton, and lord Littleton, in the house of lords ; and Mr. Dundas, colonel Barré, governor Johnson,

Mr. Grey, Mr. Whitbread, and Mr. Sheridan, in the house of commons ; all eminent and distinguished speakers,—but no one thought of comparing any of them with Mr. Pitt or Mr. Fox.—Those great rivals were allowed, by the universal voice of the British public, a splendid pre-eminence in oratorical excellence over all their competitors.

Perhaps the speakers next in eminence to these were lord Thurlow, Mr. Sheridan, Mr. Dundas, afterwards created lord Melville, and Mr. Grattan.

- At times, *lord Thurlow* was superlatively great. It was the good fortune of the writer, to hear his celebrated reply to the duke of Grafton. The action and delivery of this nobleman, when he addressed the house, were singularly dignified and graceful : but his matter was not equal to his manner. He reproached lord Thurlow with his plebeian extraction, and his recent admission into the peerage.—Particular circumstances caused lord Thurlow's reply to make a deep impression on the writer's mind. His lordship had spoken too often, and began to be considered,—(to use the word of the day),—*a bore*. Under these circumstances, he was attacked in the manner we have mentioned. His lordship rose from the woolsack, and advanced slowly to the place from which the chancellor generally addresses the house ; then fixing on the duke a look of lowering indignation,—“ I am amazed,”—he said, in a level tone of voice, “ at the attack which the “ noble duke has made on me. Yes, my lords,” considerably raising his voice, “ I am amazed at his grace's speech. The “ noble duke cannot look before him, behind him, or on either “ side of him, without seeing some noble peer, who owes his “ seat in this house to his successful exertions in the profession to which I belong. Does he not feel that it is as “ honourable to owe it to these, as to being the accident of “ an accident?—To all these noble lords, the language of the “ noble duke is as applicable and as insulking as it is to “ myself.—But I don't fear to stand single and alone. No “ one venerates the peerage more than I do,—but, my lords, “ I must say that the peerage solicited me,—not I the peerage.—Nay more,— I can say and will say, that, as a peer of “ parliament,—as speaker of this right honourable house,—as

“keeper of the great seal,—as guardian of his majesty’s
 “conscience,—as lord high chancellor of England,—nay,
 “even in that character alone, in which the noble duke would
 “think it an affront to be considered,—but which character,
 “none can deny *me* ;—as a MAN, I am at this moment as re-
 “spectable,—I beg leave to add,—I am at this time, as much
 “respected, as the proudest peer, I now look down upon.”
 The effect of this speech, both within the walls of parliament
 and out of them, was prodigious. It gave lord Thurlow an
 ascendancy in the house, which no chancellor had ever pos-
 sessed, and invested him in public opinion, with a character of
 independency and honour.

On other great occasions, his lordship appeared to advan-
 tage ; but, speaking generally, it was only on great occasions
 that he signalized himself. He was a kind of a guarda costa
 vessel, which cannot meet every turning and winding of a
 frigate that assails her ; but, when the opportunity offers,
 pours a broad-side which seldom fails of sinking the assailant.

It is remarkable that, though both lord Mansfield and lord
 Thurlow spoke most slowly and deliberately, yet their periods
 were strangely confused, and often ungrammatical ; while
 lord *Ashburton*, whose volubility was marvellous, and was
 the despair of short-hand writers, never offended against
 grammar ; and his periods, though often quaint and ap-
 parently involved in endless parentheses, were uncommonly
 neat and perspicuous.

Strange as it may appear, it nevertheless is true, that com-
 mon sense and dignity were possessed by *Mr. Sheridan* in
 an extraordinary degree ; but they were so counteracted by
 habitual procrastination and irregularity, that he was scarcely
 known to possess them. He had very little information ;—
 had even little classical learning ;—but the powers of his mind
 were very great. He had a happy vein of ridicule,—but he
 could rise to the serious and the severe ;—and then his style
 of speaking was magnificent. Even in his happiest effusions
 there was too much of prettiness. He objected to the coal-
 ition, to *Mr. Fox’s* secession from parliament, to his strong
 language in favour of the French revolution ; and predicted,
 as is said, the disastrous consequences of his India bill ; but

he uniformly adhered to Mr. Fox, and supported his politics. He required great preparation for the display of his talents : hence he was not a debater,—one, who attacks and defends on every occasion that calls him forth. It is observable that, of this kind of oratory, antiquity has left us no specimen ; and that in modern Europe it has not existed out of England. Lord North, Mr. Pitt, and Mr. Fox * excelled in it : the first, perhaps, surpassed the two others in this useful, it may, perhaps, be called,—*most useful species of oratory*. But, though Mr. Sheridan was no debater, he was sometimes most felicitous in an epigrammatic reply.

Mr. Dundas had not those occasional displays, which raised Mr. Sheridan so high in public estimation ;—but he went out in all weathers, was always able, and often triumphant. His Scottish accent was very strong, and, on the whole, rather served than *disserved* his oratory.

Nature denied to Mr. Grattan many of the most important qualifications of an orator, and his taste was not that of Cicero ; but she gave him genius and industry. The consequence was, that he was generally thought to be the first of the second class of orators in our time. His speech in 1810 in favour of catholic emancipation may be considered as a complete specimen of his peculiar style of oratory. It presents, as the writer has observed on another occasion, an union of eloquence, imagery and philosophy, which is rarely found in any composition. Nothing can show more strongly than a comparison between Mr. Grattan and his imitators, the vast space which is ever discernible between a man of real genius, philosophy, and business, and a mere artist in language.

At the end of May 1820, Mr. Grattan came for the last time to London :—On the first day of the following June, the writer of these pages called upon him ; and, being informed that he was extremely ill, was retiring, without having seen him ; but Mr. Grattan, having heard that he was in the house, sent for him. It was evident that he touched the moment of his dissolution :—but the ethereal vigour of his mind was

* An attempt to give some account of the different styles of oratory of lord Chatham, lord North, Mr. Fox, and Mr. Burke, will be found in the last volume of these Memoirs, ch. lxxix. p. 381.

unsubdued, and his zeal for the catholic cause, unabated. He pressed the writer by the hand :—" It is," he said, " all over!—Yes,—all over!—but I will die in the cause.—I mean to be carried to the house of commons to-morrow :—to beg leave of the speaker to take the oaths sitting,—and then, to move two resolutions." These he mentioned to the writer ; but spoke so indistinctly, that the writer could only perceive generally, that they were substantially the same as the clauses which he had prefixed to the bill, which, in 1812, he brought into parliament for the relief of the catholics. He again pressed the writer by the hand, repeated the intention of being carried thither, and desired the writer to attend him to the house :—

But—he died in the ensuing night !

He was buried in Westminster abbey :—his funeral was most honourably attended : the charity boys of all the catholic schools in London were present, and behaved with a seriousness which affected every beholder.

As a public orator Mr. Grattan was equalled by very few ;—in public or private virtue, he was surpassed by none. He reflected honour on the country which gave him birth : in the parliament of Ireland he had but one rival : the parliament of the united empire felt that he added to its lustre, and admired, respected and loved him.

It is honourable to the catholic cause to have had such an advocate.

In fact, there scarcely has, in our times, been a person distinguished by an union of superior wisdom, talent and integrity, whom the catholics have not ranked among the patrons of their cause. There are some respectable exceptions,—but among these, scarcely one who has not rendered the most honourable testimony to the merits of the catholic body, lamented his opposition to their claims, and attributed it to a wayward combination of events, which unfortunately created a political necessity of rejecting them. How grateful to the catholics was the moment when, in the debate on the Irish petition in 1810, the earl of Liverpool,—(of whose esteem any description of men might be proud),—thus expressed himself :—" I have heard allusions this night, to doctrines which,

" I do hope, no man believes the catholics to entertain, nor is there any ground for thinking that the question is opposed on any such pretence. The explanations which have been given on this head are completely satisfactory; and the question, as it now stands, is much more narrowed than it was on any former occasion."

Mr. Hume speaks " of the indifference of the public to public oratory." Since the writer has known parliament, the case has been very different. The galleries of the house of commons have always been over-filled at an early hour. On great occasions, all the seats have been occupied five, six, seven hours before the commencement of the debate. The rush to obtain places at the first commemoration of Handel, when all London seemed to pour into Westminster abbey, was not equal to the rush into Westminster-hall, on the day, in which Mr. Sheridan brought his charges against Mr. Hastings.

Mr. Hume compares the sublimity of ancient eloquence with the temper of modern. He cites the famous oath of Demosthenes,—when he swears by the manes of those who fell at Marathon and Platæa; and the tragical terms in which Cicero describes the crucifixion of a Roman citizen by the order of Verres.

With respect to the passage in Demosthenes, is it not quite certain that it would have been both endured and applauded in the house of commons? Towards the close of the American war, lord North was exactly in the situation in which Demosthenes found himself, after the defeat of the Athenians at Cheronæa, and might have used for his defence an oath not less bold than that of the Grecian orator. Have there not been moments, in the house of commons, when Mr. Pitt and Mr. Fox might, in some parts of their speeches, have hazarded, with success, still bolder figures, still bolder appeals to the imagination and the passions of their hearers. A want of these appeals, of these bold figures and apostrophes, may be thought to give the speeches of the Greek and Roman orators a superiority over those of Mr. Pitt and Mr. Fox: but surely those daring flights of oratory would be well received by the house, and attended with the greatest effect. On one occasion, lord Chatham justified, with infinite address and

insinuation, the expediency of a Prussian subsidy. A general murmur of approbation was heard in almost every part of the house. Availing himself of the favourable moment, his lordship suddenly placed himself in an attitude of stern defiance but perfect dignity,—and exclaimed in a voice of thunder, “Is there any Austrian among you? Let him come forward and reveal himself.”

As to the passage from Cicero, to which Mr. Hume refers, does it not admit of doubt, whether it be not rather Asiatic than Attic?—Is it superior,—is it even equal to Mr. Burke’s description of the irruption of Hyder Ali into the Carnatic?

“When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty, and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance; and to put perpetual desolation as a barrier between him and those against whom the faith which holds the moral elements of the world together was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter, whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Carnatic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were

"mercy to that new havoc. A storm of universal fire
 "blasted every field, consumed every house, destroyed every
 "temple. The miserable inhabitants flying from their flaming
 "villages, in part were slaughtered; others, without regard
 "to sex, to age, to the respect of rank, or sacredness of func-
 "tion; fathers torn from children, husbands from wives, en-
 "veloped in a whirlwind of cavalry, and amidst the goading
 "spears of drivers, and the trampling of pursuing horses,
 "were swept into captivity, in an unknown and hostile land.
 "Those who were able to evade this tempest, fled to the
 "walled cities. But escaping from fire, sword, and exile,
 "they fell into the jaws of famine.

"For eighteen months, without intermission, this destruc-
 "tion raged from the gates of Madras to the gates of Tanjore;
 "and so completely did these masters in their art, Hyder Ali
 "and his more ferocious son, absolve themselves of their im-
 "pious vow, that when the British armies traversed, as they
 "did the Carnatic for hundreds of miles in all directions,
 "through the whole line of their march they did not see one
 "man, not one woman, not one child, not one four-footed
 "beast of any description whatever. One dead uniform
 "silence reigned over the whole region."

Mr. Hume mentions in high terms "the correct taste of an
 "Athenian audience:" it seems to have deserved this praise.
 The Roman audience was its inferior. Many among the se-
 nators were elegant, enlightened, and well-informed; but,
 taking into consideration the single article of the diffusion of
 knowledge, through the medium of the press, it is evident that
 the number of these bore no proportion to the number of such
 men in the parliament of England:—and that this English
 audience is, if the expression may be used, infinitely superior
 to the Roman. The proportion in the general body of the
 Roman people, between the well-instructed and the rude and
 absolutely uncultivated, was certainly very small. What
 must one think of an audience for which such a laboured pe-
 riod as the "*est enim hæc non scripta sed nata lex*" was ne-
 cessary, to convince them that homicide in self-defence is
 justifiable?

The British house of commons is perhaps the best audience ever assembled for a fair trial of eloquence. It possesses, far beyond any audience ancient or modern, a surprising union of great general information, with the feelings of a popular assembly; due allowance to high birth and enormous wealth; great benignity, great patience, when it is not too much tried; a just, a fine, and a quick sense of propriety;—fastidious, it is true, but still assigning to every one his just measure, and something beyond his just measure of merit. It is idle to say that a single vote is seldom gained by a speech;—no speech has been made in the writer's memory which was not attended with its due proportion of effect. Mr. Peel's speech in 1813 against catholic emancipation did not, perhaps, gain to ministers a single vote,—but no reply being then made to it, the house adjourned with an impression, that his argument against catholic emancipation was very strong, and had not been answered. A greater effect it could not have produced. Compared with it, a division of ten more votes in favour of the minister, would have been trifling.—No one admired this speech or lamented its effects more than the writer:—how it was afterwards answered, may be seen in the last chapter of the second volume, now presented to the reader.

X.

THE HORE BIBLICE was the writer's next publication. It is divided into two parts; the first contains "an historical and literary account of the original text, early versions and printed editions of the Old and New Testament; or the sacred books of the Jews and Christians:"—The second contains "an historical and literary account of the Koran, Zend-Avesta, Kings, and Edda; or the works accounted sacred by the Mahometans, Parsees, Hindús, Chinese, and Scandinavian nations."

The first was written by the author, not to edify the public, but to instruct himself. Having sat down to a deliberate perusal of the New Testament, he found that passages, which he did not understand, occurred incessantly, and he soon per-

ceived that their obscurity arose from the idiom of the language, in which they are expressed; the words of it being Greek, the phraseology Hebrew. To conquer this difficulty, he began the study of the Hebrew language, under the direction of the rabbi Uzzielli: but his proficiency was limited to a tolerable knowledge of its grammar, (including the curious system of the vowel points), and to some knowledge of its syntax. Slender and very slender as this acquisition certainly is, he found it of the greatest use, and with the assistance of the excellent Lexicons of Schleusner and Biel, the mass of biblical learning in Wetsstein's Annotations, and the minute Commentary and Notes of Dr. Macknight, on the "Apostolic Epistles," he endeavoured to obtain a decent knowledge of the sacred text of the New Testament. He confined his study of the Old to the Psalms: but could never conquer the obscurity of a multitude of passages in them. That they abound with strains of exquisite piety and excellent instruction, is most clear: yet it appears doubtful to the writer, whether they are a proper book of devotion for the generality of the uninformed laity.

The first part of the *Horæ Biblicæ* originally consisted of nothing more than minutes made by the writer for his private use, and without the slightest view to publication; it afterwards occurred to him, that they might, without much difficulty, be arranged in a degree of order. In that state they were seen by some biblical scholars, and these encouraged the publication of the manuscript.

A private edition of it was distributed by him among his friends, and by them among several biblicists of distinction. This obtained for him many valuable communications from doctor Horsley, the late bishop of St. Asaph, doctor Marsh, the bishop of Peterborough, and doctor Winstanley, the president of Alban Hall: of these, the writer freely availed himself; and was thus enabled to present his work to the public in a less imperfect form. Such as it is, it has been favourably received, and is now in its fifth edition. It has been translated into the French language.

The second part of the *Horæ Biblicæ*, is a sequel to the first; and gives a succinct view of the books accounted

sacred by other eastern nations. It may be thought to possess some value, as it brings together many curious facts respecting the oriental creeds, which are not generally known, and which lie widely scattered. It is now in its fourth edition. The writer received considerable assistance, in the part relating to the Edda, from Mr. Pinkerton, and in the part respecting the Zend-Avesta, from sir William Ousley. Since the publication of it, much useful information has been communicated to the public respecting the sacred and profane literature of the Hindûs, by Mr. Colebrooke, Mr. Stracey, and other Hindustanee scholars: the writer apprehends that they have rather confirmed than impeached his humble pages.

Two tracts are added to the second part of the *Horæ Biblicæ*:—One, *A Dissertation on a supposed general Council of Jews, held at Agéda in Germany, in 1650*:—the other, *An Historical Account of the Controversy respecting the 1 John, ch. 5, v. 7,—commonly called the verse of the three heavenly witnesses*. The writer believes he has shown the fabulousness of the council,—and given an impartial account of the controversy. The arguments against the authenticity of the verse are very strong; but the admission of it into the confession of faith presented by the catholic bishops to Hunnerie, the Vandal king, is an argument of weight in its favour. The statement of these by the writer, was allowed by Mr. Porson, the late learned adversary of the verse, to be very strong, and he promised the writer to reply to them.

XI.

IN 1806, when the emperor of Austria publicly renounced the empire of Germany, a conversation took place at the Pavilion at Brighton, on the territorial extent of what the emperor renounced, and what he retained, and a wish was expressed that the writer would investigate the point, and state the result. This produced his "*Succinct History of the geographical and political Revolutions of the Empire of Germany, or the principal States, which composed the Empire of Charlemagne, from his coronation in 800, to*

"its dissolution in 1806, with some account of the Imperial House of Hapsburgh and of the Six Secular Electors of Germany; and of Roman, German, French and English Nobility."

The composition of this work involved him in the abyss of German and Italian genealogists; but his grand resource was Anderson's Genealogical Tables;—a work of the most profound and extensive erudition. A new edition of it, corrected, enlarged, and brought down to the present time, would be an invaluable present to the literati of every nation. But the work is too expensive to be printed, otherwise than by a large subscription. On a recent inquiry the writer found that Anderson's literary collections were still in existence.

Another work, which the writer found of the greatest use in framing this historical compilation is, "*Tableau des Revolutions de l'Europe, par M. Koch*," the last edition of which is in four volumes: he begs leave to recommend it strongly to all his readers.

The writer attempted to give, in his *Revolutions of the German Empire*, a succinct view of the Roman, German and French nobility. In this, he was assisted by M. de Bourblanc, the attorney-general of Rennes, one of the many emigrants, who edified this country by their persevering loyalty and dignified patience, under their severe and long-protracted trial. This work is in its third edition; it may be found useful in enabling persons to obtain a general knowledge of the states, which were formed out of the empire of Charlemagne. The writer has given in it, what he believes every writer of the present times has given in some part or other of his works, his own notions of the causes and probable effects of the French revolution.—Mrs. Boscawen, so renowned for her talents for conversation, mentioned to the writer, that, a long time after the commencement of the French revolution, she asked lord Mansfield "when it would end,"—and that his answer was, that, "he feared it was not then begun:" "it is," said his lordship, "an event without precedent, and therefore "without prognostic."—Yet it was not absolutely unforeseen. Most readers of these pages will remember the celebrated

Chanson Turgotine :—But, so far back as the year 1727, the chevalier Folard wrote, in his Commentary on Polybius,—a
 “ conspiracy is now forming by means at once so subtle and so
 “ efficacious, that I am sorry I was not born thirty years later,
 “ that I might see the unravelling of it. There is mathematical
 “ proof of its existence, if such proof of any fact there ever
 “ were. It must be confessed that the sovereigns of Europe
 “ wear very bad spectacles.”

XII.

It has been observed invidiously of the writer, that in all his publications, whatever may have been the subject of them, he has always had in view the interest of the catholic cause.

He pleads guilty to the charge ;—he unequivocally admits that *some* of his works were written with no other view ; and that in *all* he kept his attention directed towards this object so far, that he never omitted to avail himself of any opportunity which his subject afforded, either of bringing forward any topic that redounded to the honour of the catholic church, or that enabled him to defend her against charges, which he thought unfounded or exaggerated.

With these views he published his “ *Historical and Literary Account of the Formularies or Confessions of Faith, or Symbolic Books of the Roman-catholic, Greek, and principal Protestant Churches.*”

Various circumstances rendered it of importance to the writer, to obtain an accurate notion of the creeds of the principal churches, which, during the century that followed the reformation, separated themselves from the church of Rome. The continent abounds with works of this nature ; but the writer is not aware that such a work has yet appeared in England. Whether his own attempt is a successful execution of it, the reader must determine.—He believes it to be written with moderation, and that it was preceded by adequate researches.

He added to it, “ *Four Dissertations : 1st. An historical account of the principal monastic orders of the church of Rome : 2d. On the discipline of the church of Rome respecting*

"the general perusal of the Scriptures in the vulgar tongue by the laity: 3d. On the work intituled 'Roman-catholic Principles, in reference to God and the King, published in 1680:' with a correct edition of 'the Principles:' 4th. 'An essay on the re-union of christians.'

The Essay on the discipline of the roman-catholic church, respecting the promiscuous perusal of the scriptures in the vulgar tongue, was owing to certain harsh pamphlets, published about that time, in which the principles and practice of the catholics in this respect had been greatly misrepresented,—their restrictions on the perusal of the Bible immoderately exaggerated; and some violent but groundless attacks made on a society of catholics then engaged in the publication of a new edition of Dr. Challoner's version of the New Testament, and of books of devotion for the use of poor catholics.

This leads to a consideration of the bible societies: a difference of opinion respecting them is known to prevail; but much of it seems to depend on the manner in which the question is stated. If it be asked, whether christianity is best taught to a child, or to persons generally uneducated, by a good catechism and good instruction; or by the mere perusal of the Bible, without either? it must, in the opinion of the writer, be answered,—by the catechism and instruction. On the other hand, if it be asked whether, in cases, where a Bible can be procured, but no other instruction can be obtained, it is better that children and persons uneducated should have the Bible, than be without it,—does it not appear quite monstrous to say, that the Bible should be withheld from them? These are extreme cases,—the application of them to the meane, is not very difficult.

In the writer's humble opinion, wherever full catechetical and other proper instruction is given, the circulation of the Bible in the vernacular language, among the uninformed laity, is not to be encouraged; but in the absence of other instruction, the circulation of such a Bible is very desirable. Some things in the sacred volume are hard to be understood; but it contains a multitude that edify, that instruct, that inculcate true morality, that excite true devotion.

The "*Essay on the re-union of Christians*," exposed the writer to some ungentle animadversions. 1st. By some, he was accused of improperly softening the doctrine and discipline of the roman-catholic church, in order to make the re-union of the protestant churches to it, appear more easy, than it is in reality : but, as he transcribes the creed of Pope Pius IV, and refers his readers to the *Catechism of the council of Trent*, to *Bossuet's Exposition of Faith*, and to *Dr. Challoner's Statement of Christian Doctrine*,—as works containing a complete account of the roman-catholic creed, he cannot conceive that there is the least real ground for this objection. 2d. A still more serious charge was brought against the writer by citing from his work, a passage, in which he particularises eleven articles of religious belief, in which all denominations of christians agree.—Strange to relate,—these have been repeatedly held forth, as containing the whole of the writer's own creed, and, he has therefore been styled a latitudinarian. To specify such a charge is to refute it.

The real object of the writer in composing this work, was, to inculcate the following excellent observation of Mr. Vansittart, in his letter to Mr. Croker :— ‘ Though a speedy
 “ re-union of christians is not to be expected, there is an
 “ inferior re-union, more within our prospect, and yet perhaps, as perfect as human infirmity will allow us to hope for :
 “ wherein, though all differences of opinion should not be
 “ extinguished, yet they may be refined from all party prejudices and interested views ; and so softened by the spirit
 “ of charity and mutual concession, and so controlled by agreement on the leading principles and zeal for the general
 “ interest of christianity, that no sect or persuasion should be
 “ tempted to make religion subservient to secular views, or to
 “ employ political power to the prejudice of others. The
 “ existence of dissent, will perhaps be inseparable from
 “ religious freedom, so long as the mind of man is liable to
 “ error : but it is not unreasonable to hope, that hostility
 “ may cease, though perfect agreement cannot be established.
 “ IF WE CANNOT RECONCILE ALL OPINIONS, LET US
 “ RECONCILE ALL HEARTS.”

‘ These are golden words !—Wherever truth lies, the dis-

position of mind which they inculcate, is surely more likely than fierce polemics to lead to its discovery.

Another essay included in this work is "*An Appeal to the Protestants of Great Britain and Ireland.*" It was published in 1813, when the petitions of the English and Irish catholics for the repeal of the penal laws remaining in force against them, were presented to the legislature. It contains a succinct mention of the unrepealed laws, and states succinctly their severe operation on the catholics; their impolicy, the groundlessness of the arguments, by which they are usually defended, and the motives of humanity, justice, and policy, which suggest their repeal. Several thousands of this appeal were sold or circulated. It appeared to give universal satisfaction to catholics, and not to offend protestants. A tolerable crop of answers to it appeared, but none of them obtained much public attention.

Another literary production subjoined to the History of the Confessions of Faith, was an *Inaugural Oration spoken by the Writer on the 4th of May 1815, at the ceremony of laying the first Stone of the London Institution for the diffusion of Science and Literature.* The ceremony took place on a part of a spacious piece of ground in Moorfields, which had been purchased for The Institution, of the city of London. Mr. Birch, then the lord mayor of that city,—the sheriffs and aldermen, lord Carrington, the president of the institution, and several other persons of distinction, went in procession to the spot, preceded by banners and a band of music, through Cornhill, Cheapside, Old Jewry, Coleman-street, and Fore-street. The lord mayor laid the first stone, with the usual ceremonies, and addressed the surrounding audience in an elegant discourse, delivered with a dignity and grace, that would do honour to the most eloquent senator. The party then adjourned to the London tavern to hear the inaugural address: the purport of it was to show the advantages which science and commerce derive from each other. It was printed by the desire and at the expense of the institution. At the formation of that establishment, the writer had been appointed its standing counsel.

This oration is followed, in the volume, of which we are speaking, by *A Specimen of an intended Life of Christ*. The design of the writer was to frame an harmony of the four evangelists, by translating them, verse for verse,—without any addition or omission,—in such words and phrases, as it might be supposed, the evangelists themselves might have used, if they had written in the English language :—an arduous and an useful undertaking,—but which, with great regret, the writer was obliged to abandon on account of its extreme difficulty, and the time which a proper execution of it would require.

The only other literary work, which the writer has begun and left unfinished, was an *History of the Binomial Theorem*;—for he too has had his algebraic hours and disported with imaginary quantities : but he found the allurements of these so strong, as to make it absolutely necessary, as he wished to continue his professional labour, to divorce himself absolutely from them. Perhaps the reasoning on impossible quantities and exterminating them by algebraic operations, till the impossible symbols disappear, and an equation consisting of real quantities is produced, is the highest and most delightful effort of the human understanding : but its hold on the mind, makes it absolutely incompatible with any other pursuit. The writer was therefore obliged to abandon it :

“ Et multum formosa vale !”

was his exclamation, when he parted from algebra and consigned his binomial lucubration to the flames.

XIII.

He then published his *Historical Memoirs of the Church of France, in the reign of Lewis XIV, Lewis XV, Lewis XVI, and the French Revolution*, 1 vol. 8vo.

To an investigation of these events in the history of the Gallican church, he was led by the attention, he had been frequently obliged to pay, to the great questions on the nature and extent of the temporal and spiritual power of the popes, which, since the reformation, have too frequently

agitated the body of English catholics; and which, during the reigns of the monarchs we have mentioned, and throughout the whole period of the French revolution, have convulsed the church of France. It also gave him an opportunity of producing before his protestant readers, a view of the general splendour of that great hierarchy and of the many illustrious examples, too little known in this country, of true religion and piety, with which the highest ranks both in the church and state of France, then abounded.

The writer's researches in the composition of this work considerably elevated, in his estimation, the character of Lewis XIV. That monarch's persecution of the jansenists cannot be defended; his revocation of the edict of Nantes was a violation of public faith; the variety and ostentation of his early amours contributed much to the debasement of the morals of the nation; and his expensive wars exhausted her resources. The two last of these circumstances contributed more than all others, to the tremendous revolutions, which we have witnessed, and unfortunately yet behold. Still,—it cannot be denied, that Lewis XIV. possessed much sound sense, great discrimination of character, unconquerable firmness, real dignity,—and, when he was not misled by his passions, great respect for moral principle, and just notions of propriety. His greatest praise is, that few monarchs have been escorted to posterity by such a splendid circle of persons, eminent for all that justly confers renown. *With such exalted characters every rank in the church, as well as in the state, abounded. To bring them before his English readers was the principal object of these Memoirs.*

XIV.

THE same motives, which induced the writer to compile his Historical Memoirs of the Church of France, induced him also to publish his BIOGRAPHICAL ACCOUNTS OF BOSSUET, FÉNELON, THE ABBOT DE RANCE, THOMAS OF KEMPIS, ST. VINCENT OF PAUL, AND HENRI MARIE DE BUDON,—the literary occupation from which he has derived most pleasure. Nothing is more pleasing than to contemplate

characters in whom there is so much to admire and to love ; and in whom, if there be any thing to blame, there is nothing that disgusts.

1. As to *Bossuet*,—erudition, eloquence and power of argument were united in him in so high a degree, that to discover another person, in whom an equal measure of all these should be found, both ancient and modern times might perhaps be ransacked in vain.

2. With the name of *Fénélon* the most pleasing ideas are associated. To singular elevation both of genius and sentiment, he united extreme modesty and simplicity. Unconquerably firm in every thing, which he considered a duty, he displayed both on great and ordinary occasions, a meekness, which nothing could ruffle. In the midst of a voluptuous court, he practised the virtues of an anchorite ; equally humble and elegant, severe to himself, and indulgent to others, a mysterious holiness hangs on his character, and attracts our veneration, while his misfortunes shed over him a tinge of distress, which excites our tenderest sympathy.

In all French literature, there is nothing finer than the writings of Bossuet and Fénélon in the course of their controversy, particularly the “ *Relation du Quietisme* ” of the former, and *the archbishop's reply*.—But they are little read : a lesson to authors never to waste their talents on perishable topics.

A new edition of the *Life of Fénélon* being called for, the writer published it with some other of the biographical tracts he has mentioned. He added, to them, a letter to a lady containing a *succinct outline of the history of Music*, written almost entirely from what he recollected of his readings on that subject, in his very early years ; and an outline of a still more succinct *History of the Jesuits*. This, he has incorporated into the present volumes.

His letter on music arose from his wish to banish the florid song from the catholic choirs, and to restore the use of the Gregorian chaunt. He quite coincides with the celebrated John Wesley in opinion, that church-music should be such, as all must feel, and in which most may join : and therefore of the simplest kind :—never allowing more than one note to one syllable.

3. In the *abbot de Rancé*, the reader will find an account of a holy monk, who revived in the latter ages, the spirit, the devotion, and the practice of monastic discipline, when it was in its perfection and full vigour.

4. Those who peruse the life of *St. Vincent of Paul*, will probably agree with the writer in doubting, whether, at the day of retribution, when every child of Adam will have to account for his works, even one will appear with more numerous deeds of heroic and useful charity.

5. The life of *Henri Marie de Boudon*, shows a pious priest, at once contemplative and active, and humbly exerting, within the limits of a single diocese, the most edifying acts of clerical duty.

6. These distinguished characters adorned the church of France during the period we have mentioned. The writer's sincere admiration of the celebrated "*Imitation of Christ*,"—(he wishes he could add his practice of its rules),—induced him to commit to paper, from the best materials he could find, the life of *Thomas à Kempis*, its reputed and most probable author: but his claim to it is problematical, and has given rise to more than 150 publications. The controversy has been recently revived in France, and carried on with great learning and spirit. The highest encomium which any work has yet received was pronounced on this little book by Fontenelle*,—"C'est le livre le plus beau qui soit sorti de la main d'un homme, puisque l'évangile n'en vient pas." "It is," says Leibniz†, "one of the most excellent treatises that have been composed. Happy is he who puts its contents into practice, and is not satisfied with merely admiring them."

7. It remains for the writer to mention his *Life of the Rev. Mr. Alban Butler*, and to say with Tacitus‡, "*Hic liber memorie patrum mei destinatus, aut laudatus erit aut excusatus*:" Mr. Alban Butler's *Lives of the Saints*, though a voluminous work,—(12 vols. 8vo.)—has undergone numerous editions: it has been translated into the French and Spanish languages, and the writer believes into the Italian. The only objection made to it is, its alleged admission of too many miracles and visions.—To those, who deny the existence of miracles, we do not now address ourselves,—all other

* *Eloge de Corneille.* † *Lettres*, p. 77. ‡ *In vitâ Agricolæ.*

christians may be confidently asked, on what principle they admit the evidence for the miracles of the three first centuries, and reject the miracles of the subsequent ages? Why they deny to St. Austin, St. Gregory, the venerable Bede or St. Bernard, the confidence which they place in Justin, St. Irenæus, Theodoret or Eusebius?

The style of the *Lives of the Saints* is excellent; it partakes more of that of the writers of the seventeenth century, than of the modern style of writing. Mr. Gibbon mentioned it to the writer of these pages in warm terms of commendation, and was astonished when he heard, how much of the life of Mr. Alban Butler, had been spent abroad.—Speaking of the *Lives of the Saints*, he calls it “a work of merit, the sense and learning belong to the author, his prejudices are those of his profession.” As it is known what prejudice means in Mr. Gibbon’s vocabulary, Mr. Alban Butler’s relatives accept the character.

To the biography of the eminent ornaments of the Church of France, whom he has noticed in this article, the writer was also led, by the attention, which, during the interval between his quitting college and engaging in the study of the law, he gave to French literature.

Subscribing to the well known verses of lord Roscommon,

“The weighty bullion of one English line,

“Drawn through French wire, would through whole pages shine;”

he yet doubts, whether, speaking generally, French writers are not superior to the English in perspicuity and method. Their superiority in the former, if they really possess it, may be thought owing to the multitude of connective words in the French language; to its genders, inflections and varied terminations: their superiority in the latter, to the mode of French education, in which a large portion of time, even in their humblest academies, was given to a course of rhetoric.—Equally subscribing to the decided superiority, which the English assign to Shakspere and Milton over all the poets of France, the writer yet feels that other nations do not seem to acquiesce in this opinion. This is usually ascribed to their imperfect knowledge of the English language; but it may be

observed, that few, who are not natives of France, have that complete knowledge of the French language which enables them to feel and judge of those niceties of language, which constitute the difference between a perfect and an imperfect style. It must be added, that both Mr. Fox and Mr. Gibbon, the former a real, the latter a professed admirer of the Grecian school, are said to have preferred Corneille and Racine to the two great English bards.—In the second order of French poets, none can be compared to Dryden. Boileau and Pope may be considered to be equally balanced, but we have nothing to oppose to the Comedies of Moliere, the Fables of La Fontaine, or the elegant trifles of Gressët. The French allow the superiority of Bacon, Locke and sir Isaac Newton, over their own philosophers,—and the superiority of Hume, Robertson and Gibbon, over their own historians; but they observe that, while Bossuet, Bourdaloue, and Massillon are to be found in all libraries and on most toilets in every part of the continent where literature is cultivated, no English preacher or divine is read out of England.—With respect also to sir Isaac Newton, they remark, that since the death of that great man, the English mathematicians have done little more than slumber under his glories; while D'Alembert, Le Gendre, La Grange and La Place, have pursued his discoveries, have completed the grand edifice which he left unfinished, and may therefore be said to have given him a kind of posthumous domicile in France.

In general, the French mathematicians do justice to his memory; but recently M. Bossût, in his *History of Mathematics*, has endeavoured to rob him of the glory of being the inventor of fluxions. This appears to make it very desirable, that a new edition of the *Commercium Epistolicum* of Collins, with a preliminary history of the discovery of that sublime invention, of the important consequences which have emanated from it, and of the disputes to which it has given rise, should be published. Is it not to be wished, that some mathematical Mæcenas would make it agreeable to an Ivory or a Babbage to employ his time on such a work? this is the more to be desired, as the *Commercium Epistolicum* is become extremely scarce.

XV.

THE writer has now to mention his *Biographical Account of the Chancellor l'Hopital*,—one of the greatest magistrates, that have presided in a court of justice. It contains some account both of the French magistracy and the Order of Avocats.

The researches of the writer, in the composition of this little work, led him to discover that a forensic order of knighthood was frequently conferred in Italy, Germany, and France, on successful practitioners at the bar. The postulant knelt before the knight-commissary, took an oath of fidelity "in the warfare of the science, to which he was devoted,"—was equipped with the belt, golden spurs, golden collar, and golden ring, and was girded with the sword. He then became a member of the order of knighthood, and entitled to a full participation of the rights and honours of military knights; but it appears that these viewed him somewhat disrespectfully. It is not known whether the forensic knights wore their equestrian costume in the courts of justice: but as Beaumanoir declares that in his time, some avocats were followed by one, some by two, some by three, four, or more horses, and that their fees were proportioned to the number of horses by which they were followed, we may suppose that they had their esquires.

The writer has not discovered that any forensic order of knighthood has existed in England.

In 1790, the French national assembly having determined on an entire new organization of the order of justice, wished to incorporate into it the existing order of avocats. These resiled from it with disgust. "They foresaw," to use their own words, that "the new avocat would have nothing of the learning, the principles, the character, or the public respect of the order. The public," they said, "will confound them with us. To avoid such a posterity, our only means is to suppress our name and our order, so that, after we shall cease to exist, there shall be no avocat in France. Sole depositaries of that noble state, let us not permit it to be sullied by successors, unworthy of us: we pray therefore for its instant extinction."

In compliance with their petition, the assembly suppressed the order of *avocats*, their name, their costume, and every thing that belonged to it. "Thus perished," says the writer* from whom this detail is extracted, "this celebrated body, which, under the name of *l'ordre des avocats*, had counted 427 years of a brilliant existence, and the renown of which had been spread over Europe."

XVI.

THE writer's next appearance as an author, was in consequence of the disputes which took place among the roman-catholics respecting the bill which passed for their relief in 1791.

They gave rise to several letters, which were addressed by the committee of the English catholics to their prelates, and to the general body: and which, from the blue cover of them, acquired the appellation of THE BLUE BOOKS. As these are fully noticed, in the last of the two volumes, now presented to the public, a further mention of them in this place is unnecessary.

XVII.

THE writer has now reached his HISTORICAL MEMOIRS OF THE ENGLISH, IRISH, AND SCOTTISH CATHOLICS,—the term,—probably,—of his literary labour.

During a period of forty-two years, he has taken an active part in the concerns of the English catholics; particularly in their attempts to obtain the repeal of the penal laws remaining in force against them, in consequence of their religious principles. It necessarily became his duty to obtain the best knowledge within his power of the external and internal occurrences, in which the body of English catholics has been particularly interested since the era of the reformation. Mr. Dodd's Church History of England contains all, or at least almost all the information, which we

* Histoire des Avocats au Parlement et au Bureau de Paris, depuis St. Louis, jusqu'au 15 Octobre 1790. Par M. Tournel, ancien avocat au Parlement de Paris.

possess upon these subjects. It is executed with ability and industry. The labour of procuring the materials, which he used in the composition of it, must have been great, and the expense attending it considerable. This, it is said, was defrayed, in a great measure, by Mr. Constable, of Burton-Constable in Yorkshire, and Mr. Sheldon, of Beoley in Warwickshire.

The difficulty of making the collections necessary for the execution of his work must have been so great, that it has ever been a matter of surprise to the present writer how Mr. Dodd surmounted it. The scarcity of books, throwing any light on the history of the catholics anterior to the time, when his Church History appeared, is not to be conceived by those, who have not been engaged in a similar pursuit. It is principally owing to two circumstances,—the destruction of catholic books and documents by the pursuivants in the reign of Charles the first, and the destruction of them by the catholics themselves, from the dread of the heavy penalties, to which they were subject, if any catholic documents were found in their custody. The best collection of such materials is at Burton-Constable: the writer has heard of others, but has not been able to ascertain their extent or value.

Mr. Dodd has been accused of partiality to the secular, and of prejudice against the regular clergy: the present writer inclines to think that there is not much foundation for this charge. If it be really founded, it is excusable in some measure, as the regulars generally withheld their literary treasures from him, while the seculars communicated theirs to him without reserve. Thus his History would naturally exhibit more of the secular than the regular feeling, on the points upon which there had been differences between them; and his language would, in general, be that of his materials. Still, all must acknowledge, that he shows the fierce polemic, less than most of his contemporaries. We beg leave however to observe, that we confine these observations to his History: too much asperity is discernible in his other publications.

The greatest defect of his work is, its want of combination and regularity. By classifying the subjects of his History

under various distinct heads, he has destroyed its unity. To obtain a full knowledge of any one transaction of importance which it details, it is necessary to track the different circumstances, which entered into it, under every head, into which the work is divided : these generally lie at a distance from each other, and are sometimes to be found only in places, where they might be least expected. This defect might have been supplied by a full index : but the index to the work is remarkably scanty.

In the present writer's frequent examinations of the History of which he is speaking, he had repeated cause to lament its imperfections in this respect ; he therefore framed a general table to it, which at length was swelled to a size, little short of the two volumes, which he has already presented to the public.

This was the origin of them ; the reception of them has been highly gratifying to the writer. His object in publishing them was that, which has been the employment of most of his literary,—he may say, most of his unprofessional hours,—to put catholics and protestants into good humour with one another, and catholics into good humour among themselves. He will not say that he has “ nothing extenuated,” but he will most confidently assert, that he has “ set down naught in malice.” In writing on a subject, upon which there have been great differences of opinion, and warm discussions, it is difficult to express one's self in a manner that will satisfy both parties : all that can be done, is to abstain from ungentle language, and to adhere as much as possible, to simple narrative. The writer trusts that he has observed this rule ; he hopes a single harsh word is not to be found in all his writings.—“ *Noli contendere verbis*” “ *querulosus*,” is the advice of the author of the “ *Imitation of Christ*,” and as much recommended by true philosophy and prudence, as by true morality and religion.

The writer wishes that all, who feel inclined to accuse him of partiality, would, before they condemn him, reflect a little, whether, in the very instance in question, their adversaries would not feel that the writer did not go all *their* lengths, and therefore impute to him equal partiality.

It remains for the writer to say something of the two volumes now offered to the public.

Several respectable persons, who had perused the two former volumes, mentioned to him, that it would add considerably to the value of his work, and throw light on all its parts, if a preliminary account were given of the principal occurrences in the history of the English church before the reformation,—if there were a fuller account of the occurrences, which took place among the English catholics since that era;—and if the principal events in the history of the established church during that period were succinctly stated. These form almost entirely the contents of the two present volumes. The few digressions to which a place in them has been given,—those particularly on the Guelphic family,—and the characters of the leading men in the British parliament at the time when the catholic question engaged its attention,—will, it is hoped, be indulgently received.

To show the connection between the former volumes and the present, the writer has inserted in these the titles of the chapters of the former volumes, and interpolated, in new chapters, the new matter. This will exhibit to those, who have perused the two former volumes, the places in which the additions are intended to be inserted, and how they are connected with those parts which precede and those which follow.

We insert a table of the titles of all the chapters:—those which are contained in the former volumes, are in the common type; those, which are in the present volumes, are in the italic. We beg leave to recommend to such as have not perused the former volumes, to read, successively, the chapters, as they stand in the table.

In some instances, where the application of the new matter would not have been observed otherwise, the writer has inserted in the present volume some pages from the two former.

CONTENTS

TO

VOLUME THE THIRD.

CHAP. I.

(Vol. i. c. 1. s. 2. p. 4.)

The Anglo-Saxon Church - - - - - page 1

CHAP. II.

The Settlement of the English Church at the Norman Conquest - - - - - ib.

CHAP. III.

Investitures :—St. Anselm - - - - - 6

CHAP. IV.

Ecclesiastical Immunities :—St. Thomas à Becket - - - 10

CHAP. V.

Papal Levies on Ecclesiastical Benefices - - - - - 21

CHAP. VI.

Statutes against Provisors, and the Exportation of Ecclesiastical Revenues out of the Kingdom - - - - - 25

VOL. III.

f

CHAP. VII.

<i>Statutes of Præmunire</i> - - - - -	page 31
1.— <i>Rise of the Temporal Power of the Pope</i> - -	32
2.— <i>Decline of the Temporal Power of the Pope</i> -	35
(Vol. i. c. 6. s. 1. p. 36.)	
3.— <i>Resistance of the Sovereigns and Legislature of England, to the attempts of the Popes to establish in it their Temporal Power</i> - - - - -	36
4.— <i>Services rendered by the Popes to Religion and Government</i> - - - - -	41

CHAP. VIII.

<i>Historical Minutes of Robert Grosseteste, bishop of Lincoln,</i>	42
1.— <i>Birth and early years of Grosseteste</i> - - - -	43
2.— <i>His Proficiencies in Literature</i> - - - - -	45
3.— <i>His Sentiments on the superiority of Spiritual over Temporal Power</i> - - - - -	46
4.— <i>Contests between him and the Crown</i> - - - -	53
5.— <i>Contests between him and the Popes</i> - - - -	57
6.— <i>His Death</i> - - - - -	64

CHAP. IX.

<i>A general view of the state of Literature during the middle ages</i> - - - - -	66
1.— <i>The Literature of Greece</i> - - - - -	ib.
2.— <i>The Literature of Rome</i> - - - - -	68
3.— <i>The effects of the Invasion of the Barbarians on Literature</i> - - - - -	70
4.— <i>Probable exaggeration of the Ignorance and Superstition of the middle ages</i> - - - - -	ib.
(Vol. i. c. 1. s. 1. p. 2.)	
5.— <i>Probable revival of Learning at an earlier period than is usually supposed</i> - - - - -	71
(Vol. i. c. 1. s. 2-3. p. 4-6.)	

CHAP. X.

(Vol. i. c. 2. p. 15.)

The Preliminaries of the Reformation	- - - -	page 71
1.— <i>The Waldenses</i>	- - - - -	72
2.— <i>The Albigenses</i>	- - - - -	74
3.— <i>Council of Lateran</i>	- - - - -	77
4.— <i>The Inquisition</i>	- - - - -	81
5.— <i>John Wickliffe</i>	- - - - -	89
6.— <i>The Lollards</i>	- - - - -	92
7.— <i>The Council of Constance :—John Huss</i>	- - -	96
8.— <i>Some remarkable Decrees of the Council of Constance</i>	- - - - -	102
9.— <i>Remarkable Publications during this period</i>	- -	108

CHAP. XI.

(Vol. i. c. 3. p. 18.)

Henry the eighth :—Commencement of the Reformation, 112

CHAP. XII.

(Vol. i. c. 4. p. 22.)

Henry the eighth receives from the Pope the title of Defender of the Faith - - - - - ib.

CHAP. XIII.

(Vol. i. c. 5. p. 27.)

The Divorce of Henry the eighth from queen Katharine ib.

- 1.—Principal events in the history of the Divorce of Henry the eighth - - - - - ib.
- 2.—Observations on the Lawfulness of the Marriage of Henry the eighth with queen Katharine - - - - - ib.
- 3.—Sentence pronounced by Clement the seventh for the validity of the Marriage of Henry the eighth with Katharine - - - - - 113
- 4.—Act of Parliament ratifying the Divorce, and confirming the King's Marriage with Anne Boleyn ib.

CHAP. XIV.

(Vol. i. c. 7. p. 49 to 59.)

Henry the eighth assumes the title of Supreme Head of the Church of England	- - - - -	page 113
1.—Character of cardinal Wolsey	- - - - -	ib.
2.—The whole body of the English Clergy held to be liable to the penalties of Præmunire	- - -	ib.
3.—Measures preparing the public mind for his Majesty's Ecclesiastical Supremacy	- - -	114
4.—The Acts of Parliament, declaring Henry the eighth Head of the Church of England	- - -	ib.

CHAP. XV.

(Vol. i. c. 8. p. 61 to 70.)

Criminal Prosecutions on the Statutes regulating the Succession to the Crown, and conferring on Henry the eighth the title of Supreme Head of the Church of England	- - -	ib.
1.—Bishop Fisher	- - - - -	ib.
2.—Sir Thomas More	- - - - -	ib.
3.—Other Executions for the Denial of the King's Spiritual Supremacy	- - - - -	115

CHAP. XVI.

(Vol. i. c. 9. p. 72 to 77.)

Monastic Institutions	- - - - -	ib.
1.—Origin of the Monastic Institution and its principal Orders	- - - - -	ib.
2.—Advantages derived from the Religious Orders	- - -	ib.

CHAP. XVII.

(Vol. i. c. 10. p. 89 to 101.)

The Dissolution of Monasteries : 1540 - - - page 115

- 1.—The suppression of the Order of the Knights
Templars - - - - - 116
- 2.—The suppression of the Alien Priors - - - ib.
- 3.—License granted by the Pope to cardinal Wolsey,
to dissolve several of the smaller Monasteries - - - - - ib.
- 4.—The dissolution of the remaining smaller Monasteries - - - - - ib.
- 5.—The dissolution of the greater Monasteries - - - ib.
- 6.—The loss which Learning sustained by the dissolution of Monasteries - - - - - ib.

CHAP. XVIII.

(Vol. i. c. 11. p. 102.)

Pope Paul the third excommunicates Henry the eighth 117

CHAP. XIX.

(Vol. i. c. 12. p. 104 to 119.)

Ecclesiastical Regulations in the Reign of Henry - - - ib.

- 1.—Preliminary view of the different religious Systems;—of the Lutherans, Zuinglians, and Calvinists - - - - - ib.
- 2.—*Ecclesiastical Regulations of Henry the eighth respecting the appointment of Bishops* - - - ib.
- 3.—Ecclesiastical Regulations in the reign of Henry the eighth, respecting the general reading of the Bible, in the English language;—by the Laity,

and some account of the translation of it; 1. By Tyndale; and 2, by Coverdale: 3. of the Edition by Cranmer: 4. and of the Proclamations and legislative Enactments respecting them - - - - -	page 119
4. -- Ecclesiastical Regulations of Henry, respecting the Faith and Devotions of his Subjects - -	ib.
5.—Persecutions of those who opposed the Faith or Doctrine of Henry - - - - -	ib.
6.—The Death of Henry the eighth:—Genealogical Account of the Descendants from Henry the seventh, till the Accession of the Stuart Dynasty - - - - -	120

CHAP. XX.

(Vol. i. c. 13. p. 121 to 130.)

Edward the sixth - - - - -	ib.
1.—The Regulations respecting the election of Bishops, and the new admission of the actual Bishops to their Sees - - - - -	ib.
2.—The New Visitation - - - - -	ib.
3.—The Book of Homilies - - - - -	ib.
4.—The Forty-two Articles - - - - -	121
5.—The Book of Common Prayer - - - - -	ib.
6.—The Suppression of Colleges, Hospitals and Chauntries: general destruction of their Libraries, and of the sacred or secular articles of use or ornament belonging to them - - - - -	ib.
7.— <i>Four public Disputations in the reign of Edward the sixth, between Catholic and Protestant Divines</i> - - - - -	ib.
8.—Religious Persecution during the reign of Edward the sixth - - - - -	125

VOLUME THE THIRD.

11*

CHAP. XXI.

(Vol. 1. c. 14. p. 131 to 139.)

Principal Ecclesiastical Occurrences in the reign of queen
Mary - - - - - page 126

- 1.—The return of the English Nation to communion
with the See of Rome - - - - - ib.
- 2.—*Four Disputations between Catholic and Protestant
Divines, in the reign of queen Mary* - - - - - ib.
- 3.—Persecution of the Protestants for Heresy - 129
- 4.—Archbishop Cranmer - - - - - ib.
- 5.—*Some Observations on the Character of queen
Mary* - - - - - ib.

CHAP. XXII.

(Vol. i. c. 15. p. 141 to 152.)

Queen Elizabeth: 1558 - - - - - 132

- 1.—The first Measures of queen Elizabeth - - - - - ib.
- 2.—Her Coronation - - - - - ib.
- 3.—Division of the nation into a Catholic and a Pro-
testant party - - - - - ib.
- 4.—Subdivision of the Protestants into Lutherans 133
- 5.—Zuinglians - - - - - ib.
- 6.—Calvinists - - - - - ib.
- 7.—The Queen's preference of the Protestant party ib.
- 8.—Notification of her succession to pope Paul the
fourth - - - - - ib.
- 9.—Conciliatory proceedings of Pius the fourth - ib.

CHAP. XXIII.

(Vol. i. c. 16. s. 1. p. 154.)

*Legislative Establishment of the Protestant Church in Eng-
land* - - - - - 134

CHAP. XXIV.

(Vol. i. c. 17. p. 165 to 173.)

Principal ecclesiastical arrangements in the reign of Queen Elizabeth - - - - - page 139

- 1.—The Book of Common Prayer - - - - - ib.
- 2.—The Thirty-nine Articles - - - - - ib.
- 3.—The Act of Uniformity - - - - - ib.
- 4.—The Statutes of Recusancy - - - - - ib.
- 5.—The new Translation of the Bible - - - - - ib.
- 6.—An Inquiry into the nature and extent of the Spiritual Supremacy conferred by these Acts on queen Elizabeth - - - - - ib.

(Vol. i. c. 16. s. 2. p. 157.)

CHAP. XXV.

Effect of the legal establishment of the Protestant Religion, on those who adhered to the Catholic Creed - - - - - 140

CHAP. XXVI.

Colleges founded abroad by the Secular Clergy of the English Catholics;—Cardinal Allen - - - - - 145

CHAP. XXVII.

The English Jesuits - - - - - 155

- 1.—*A succinct mention of the different Classes of the Members who formed the Society of Jesus -* 158
- 2.—*Constitutions of the Society of Jesus - - -* 163
- 3.—*Father Persons - - - - -* 167

CHAP. XXVIII.

*The division of Europe at this period of the present History,
into a Catholic and a Protestant Party: its Consequences,*
page 175

CHAP. XXIX.

*Penal Acts of the first and fifth years of the reign of queen
Elizabeth, for the denial of the Queen's Ecclesiastical Supre-
macy; and for not conforming to the legislative provisions
for the uniformity of the Common Prayer - - - -* 181

CHAP. XXX.

*Bull of Pius V. excommunicating queen Elizabeth: Penal
Enactments against the Catholics - - - - -* 183
1.—*Bull of Pius the fifth - - - - -* 184
2.—*Penal Enactments in consequence of the Bull of
Pius - - - - -* 188

CHAP. XXXI.

*Missionary Priests and Jesuits:—Act of the 23d of queen Eli-
zabeth: 1580 - - - - -* 190
1.—*Extracts from the writings of Father Persons and
Cardinal Allen, which show the nature of the
Missionary Institutions:—Hume's Charge against
them, and an Answer to it - - - - -* ib.
(Vol i. c. 19. s. 1. p. 240.)
2.—*First proceedings of the Missionary Priests and
Jesuits - - - - -* 192
3.—*The Act of the twenty-third year of queen Elizabeth,
against Missionary Priests and Jesuits - -* 204

CHAP. XXXII.

(Vol. i. c. 20. p. 246 to 257.)

Alleged Plots of the English Catholics against queen Elizabeth :—Penal Act of the twenty-seventh year of her reign	page 206
1.—The Insurrection of the earls of Northumberland and Westmoreland	ib.
2.—The Treason of Francis Throckmorton	ib.
3.—Doctor Parry's project of Assassination	ib.
4.—Somerville's Plot	ib.
5.—Babington's Plot	ib.
6.—The result :—Act of the twenty-seventh year of the reign of queen Elizabeth	207

CHAP. XXXIII.

Persecution of the Catholics	ib.
------------------------------	-----

(Vol. i. c. 18. p. 176.)

1.—Probable Amount of those who suffered Death in the reign of queen Elizabeth, under the Laws then enacted against the Catholics	ib.
(Vol. i. c. 18. s. 2. p. 177.)	
2.—The Torture	ib.
(Vol. i. c. 18. s. 3. p. 180.)	
3.—Trial and Execution of father Campion	ib.
(Vol. i. c. 18. sect. 4. p. 184.)	

CHAP. XXXIV.

(Vol. i. c. 19. p. 192 to 199.)

Reasons assigned to justify the judicial Proceedings against the Catholic Priests	208
1.—The maintenance of the Deposing Doctrine by the Missionary Priests :—and their deference to the Bull of Pius V.	ib.
2.—Unsatisfactory Answers of the Priests to the Six Questions on the Deposing Power of the Pope proposed to them by the Queen's Commissioners :—Division of opinions of the Clergy on this subject	ib.

CHAP. XXXV.

<i>The Armada.—Bull of Sixtus V:—Cardinal Allen's Declaration of it and Admonition to the Nobility and People of England:—Conduct of the English Catholics</i>	- - - - -	page 208
1.— <i>Bull of Sixtus Quintus</i>	- - - - -	209
2.— <i>Cardinal Allen's Admonition to the Nobility and People of England</i>	- - - - -	212
2.— <i>Conduct of the English Catholics during the threatened Invasion</i>	- - - - -	215

CHAP. XXXVI.

<i>The Politics of some of the English Catholic Fugitives in the Spanish dominions:—Publications of their School:—The Queen's Proclamation;—The Reply of father Persons:—Penal Act against the Catholics of the thirty-fifth year of the reign of his majesty</i>	- - - - -	221
1.— <i>The Spanish Party among the English Catholic Fugitives</i>	- - - - -	222
2.— <i>Circumstances attending the Spanish Party:—Two Publications of their School</i>	- - - - -	227
3.— <i>Proclamation in the thirty-fifth year of queen Elizabeth</i>	- - - - -	233
4.— <i>The Reply of father Persons</i>	- - - - -	236
5.— <i>Penal Acts of the thirty-fifth year of queen Elizabeth against the Catholics</i>	- - - - -	249

CHAP. XXXVII.

(Vol. i. c. 19. s. 5. p. 243.)

Assertion that the Priests were executed, not for their Religion, but for their commission of acts of High Treason * 251

* "Samuel Johnson (I mean the divine), gives an odd justification of those laws, by saying, that the priests are hanged, not as priests, but as traitors.—But, as their being priests, was the sole reason for their being traitors, it does not appear that the protestant divine can avail himself of the "distinction."—Sir Walter Scott's edition of Dryden's Works, vol. x. p. 257, note xiv.

CHAP. XXXVIII.

Continuation of the Practices of the Spanish Party - page 251

CHAP. XXXIX.

(Vol. i. c. 21. p. 261.)

*Protestation of Allegiance presented to the Queen by thirteen
Secular Priests* - - - - - 260

CHAP. XL.

Death of queen Elizabeth - - - - - ib.

CHAP. XLI.

James the first :—His Accession to the Throne - - - 264

CHAP. XLII.

The Conspiracy of Sir Walter Raleigh - - - - - 273

CHAP. XLIII.

*The dispositions of James the first towards the Catholics at his
Accession to the Throne :—His immediate Proclamation, and
Laws against them :—Their disappointment and feelings, 277*

CHAP. XLIV.

(Vol. i. c. 24. p. 278.)

The Gunpowder Conspiracy - - - - - 287

CHAP. XLV.

*Trial of father Garnett, of the Society of Jesus, and others,
for the Gunpowder Conspiracy - - - - - page 288*

CHAP. XLVI.

*Gunpowder Conspiracy continued: miscellaneous Occurrences
and Reflections - - - - - 345*

- 1.—*Writers to be consulted on the subject - - - - 346*
- 2.—*Jesuits accused of being concerned in the Conspiracy,—
their innocence - - - - - 347*
- 3.—*Observations on the Conduct of Father Garnett - 349*
- 4.—*Cecil's Privity to the Conspiracy - - - - 358*
- 5.—*Inquiry whether the Gunpowder Plot can justly be
charged on the general body of the Catholics 362*

(Vol. i. c. 24. s. 2. p. 295.)

CHAP. XLVII.

(Vol. i. c. 25. p. 303 to 313.)

The Oath of Allegiance framed by James the first - - 363

- 1.—*The motives of James the first in framing the
Oath - - - - - ib.*
- 2.—*The Oath - - - - - ib.*
- 3.—*The Briefs of Paul the fifth against it - - - ib.*

CHAP. XLVIII.

The Controversy respecting the Lawfulness of the Oath - ib.

CHAP. XLIX.

(Vol. i. c. 27. p. 342.)

*The Examination of Mr. Blackwell, the Archpriest, before
his Majesty's Ecclesiastical Commissioners - - - 367*

CHAP. L.

(Vol. i. c. 28. p. 349 to 358.)

Uterior Occurrences respecting the Protestation of Allegiance - - - - - page 367

- 1.—The Petition of eight Priests, confined in Newgate, to Paul the fifth, for an Explanation of the Briefs *ib.*
- 2.—Opinion of several Doctors of the Sorbonne in favour of the Oath.—Sentiments of Bossuet respecting it - - - - - 368
- 3.—Final division of Opinion on the Oath - - - *ib.*
- 4.—Complete Rejection,—(now adopted by the universal Catholic Church), of the Pope's deposing power, in the declaration of the Gallican church in 1682 - - - - - *ib.*

CHAP. LI.

Decline of the Party of the English Fugitives in Spain - *ib.*

CHAP. LII.

General view of the Laws passed against the Catholics in the reigns of Elizabeth and James.—Death of James - - 376

CHAP. LIII.

The Institution of an Archpriest:—Death of Father Persons,—English Benedictine Monks,—Friars,—College at Lisbon - - - - - 393

- 1.—*The Institution of an Archpriest* - - - - - 395
- 2.—*Appointment of a Vicar Apostolic* - - - - - 413
- 3.—*Death of Father Persons* - - - - - 418
- 4.—*English Benedictine Monks,—Friars,—College at Lisbon* - - - - - 428

APPENDIX.

NOTE I.

Council of Trent - - - - - page 431

NOTE II.

Abbé Mann's Summary View of the English Religious Establishments on the Continent, under the heads of the different Orders to which they belonged - - - - - 440

NOTE III.

On the Anonymous Letter respecting the Gunpowder Plot delivered to Lord Monteagle - - - - - 443

NOTE IV.

The Account of the Gunpowder Conspiracy, transmitted by the British Government to its Foreign Ministers - - - 449

ERRATUM & ADDENDUM.

Page 2. For *Prælimineno* read *Preeminence*.

Page 15. *Add after the word 'Clarendon' at the end of the page,—*“ It
“ appears from the preceding part of the present chapter, that
“ this might be, easily shewn.”

ADDITIONS
TO THE
HISTORICAL MEMOIRS
OF THE
ENGLISH CATHOLICS,
&c.
SINCE THE
REFORMATION.

CHAP. I.

Vol. I. c. 1. p. 1.

THE ANGLO-SAXON CHURCH.

526—1066.

CHAP. II.

THE SETTLEMENT OF THE ENGLISH CHURCH
AT THE NORMAN CONQUEST.

1066.

ACCORDING to the doctrine of the roman-catholics, St. Peter and his successors in the supremacy, and the bishops and their successors in the episcopacy, alone enjoy, by divine institution, a superiority of rank in the priesthood: all other gradations in it are of ecclesiastical creation and arrangement.

VOL. III.

B

1. Over all, **THE POPE**, as the vicar of Christ on earth, and the successor of St. Peter, holds a lofty prælimineno *.

2. The **PATRIARCHS** stand nearest to the chair of St. Peter. Before the seat of the Roman empire was transferred to Constantinople, the church had the three patriarchs of Rome, Antioch and Alexandria. Three dioceses were independent of them and subject, each to its primate : that of Asia, to the primate of Ephesus ; that of Thrace, to the primate of Heraclea ; and that of Pontus, to the primate of Cesarea. After the translation of the seat of empire to Constantinople, the bishops of that city rose to importance : by degrees they acquired ecclesiastical jurisdiction over Thrace, Asia and Pontus, and were elevated to the rank of patriarchs. The same rank was afterwards conferred on the bishop of Jerusalem. In the course of time, the patriarch of Constantinople raised himself above the other oriental prelates, and finally assumed the title of oecumenical or universal patriarch. The popes opposed this attempt and preserved their rank, so that, as Mr. Gibbon † justly observes, “ till the great division of the church, “ the Roman bishop had ever been respected by the “ orientalists, as the first of the five patriarchs.”

* An attempt to propound the doctrine of the roman-catholics, on the nature and extent of the papal supremacy, is made in the first volume of the *Historical Memoirs of the English Catholics*, chap. vi. sect. 1, note p. 38.

† *History of the Decline and Fall of the Roman Empire*, by Edward Gibbon, esq. vol. 6, quarto, p. 400.

After the separation of the Greek from the Latin church, the four oriental patriarchates ceased to exist : they are now represented by four churches in Rome ; the patriarchate of Constantinople, by the church of St. Peter in the Vatican ; the patriarchate of Alexandria, by the church of St. Paul ; the patriarchate of Antioch, by the church of St. Mary the greater, and the patriarchate of Jerusalem by the church of St. Laurence. The pope continues patriarch of the west, and his patriarchate is represented by the church of St. John Lateran *. Subsequent to these, are the much more modern patriarchates of Vienna, Lisbon, the Indies, Cilicia and Armenia, Grado, since transferred to Venice, and Aquileia ; but the actual existence of the last is, at best, very doubtful.

Patriarchates in the church are analogous to dioceses in the Roman empire : the governor of a diocese had temporal jurisdiction over several provinces ; a patriarch has ecclesiastical jurisdiction over several sees.

3. PRIMATES were unknown in the empire of the east : they emanated, in the western empire, from the pope, and were supposed to possess some part of his patriarchal jurisdiction ; but the rank has long been merely honorary.

4. In the same manner, as in the Roman empire, the metropolitan city of a province had precedence over all the other cities within its territory, the prelate of that city had a certain precedence of rank

* See Onuphrius de Episcopatibus, titulis et diaconis cardinalium.

and spiritual jurisdiction over the prelates of the other sees ; and was indifferently called METROPOLITAN OR ARCHBISHOP.

5. The BISHOPS over whom his jurisdiction extends were called his *suffragans*.

6. It remains to mention the PAPAL LEGATES OR ENVOYS. To these, the pope delegated a portion of his authority, to be exercised within a certain district. In modern times they are generally called *nuncios*, when they are sent to a prince or state of the first order ; and *internuncios*, when they are sent to an inferior state. This rank was often permanently attached to a particular see.

At the time, of which we are speaking, all this gradation of rank was established in England ; her church acknowledged the universal supremacy of the pope, as successor of St. Peter, and his particular jurisdiction, as patriarch of the western division of the Roman empire : the archbishop of Canterbury was the primate ; the provinces of Canterbury and York were under the metropolitan jurisdiction of their respective archbishops ; and each had his suffragan bishops ; a papal nunciature was attached to the see of Canterbury. Like other prelates, to whose sees nunciatures were attached, the archbishop of Canterbury was said to be legate born of the holy see.

The Norman conqueror made no alteration in this arrangement ; but he effected one, in the administration of the ecclesiastical law, which was followed, almost immediately, by the most important consequences.

Though the Saxon prelates had not distinct courts, it is certain that both the theory and practice of ecclesiastical jurisprudence were known in the Saxon church. The episcopal sentences were usually pronounced from the altar, and the aid of the secular arm was often called to enforce them, against the contumacious.

The recourse to it was easy, as the bishops and the sheriffs sate in the court; and thus, each might come instantaneously to the aid of the other.

In 1086, the conqueror withdrew the concerns of the church from the cognizance of the sheriff's court, by a charter which is expressed to have been made by the advice of his ordinary council, and the advice also of the archbishops, bishops and princes of the realm *. It enacted, that no bishop or arch-deacon should hold pleas in the hundred concerning ecclesiastical matters; and that no cause, relating to the discipline or government of the church, should be brought before the secular magistrate: but that every person, who was accused of a breach of the canons, should appear at a place to be appointed by the bishop; and that the process should be conducted and sentence given, according to the ecclesiastical constitutions. If the party should refuse to appear after three summonses, he was to be excommunicated; and, if he should still continue obsti-

* "An Ecclesiastical History of Great Britain, chiefly of England, from the first planting of Christianity to the end of the reign of Charles II, with a brief account of affairs in Ireland, collected from the best ancient historians, councils and records. 2 vols. fo. 1708. By Jeremy Collier, D. D." See vol. i. p. 255. Coll. vi.

nate, resort was to be had to the secular power, and the sheriff was to enforce his submission by the posse of the county.

William probably did not foresee all the consequences of this regulation: the bishops soon established a system of ecclesiastical jurisprudence on the principles and practice of the canon law, and a regular system of judicial process, ascending successively from the lowest court, to the court of the bishop, the court of the archbishop and the court of the roman see; but the pope might hear any cause in the first instance, or call it to him while it was pending in an intermediate court. Thus the separation of the ecclesiastical and civil tribunals originated in this country: it has continued uninterruptedly to the present time.

CHAP. III.

INVESTITURES:—ST. ANSELM.

1100.

THE disputes between the popes and the sovereigns of Europe respecting the investiture of ecclesiastical benefices appear frequently in the histories of the twelfth and thirteenth centuries.

According to the law of tenure, no person was considered to be the lawful, or even the actual possessor of the tenement, till he had done homage for it, and taken the oath of fealty to the lord, of whom he held it, and till he had been invested with it by the hand of the lord. It was usually delivered to

him by the lord's presenting him with a bough, or a piece of turf, or some other symbol of the property. On the receipt of the symbol, he was said to be invested with the tenure, and he then became complete tenant to the lord.

When a bishop died, his ring and crosier were transmitted to the prince, within whose jurisdiction his diocese was situate. On the appointment of his successor, the prince presented them to him, as a symbolical delivery of the temporal possessions of the see: the bishop placed them in the hands of the metropolitan, and received them back from him as a symbol of the *spiritual right*, conferred on him by his consecration.

It is evident that, though the delivery of the ring and crosier by the emperor to the bishop elect, was principally intended as a symbolic delivery of the tenement, or temporal possessions of the see, it operated, indirectly as a kind of co-ordinate appointment to the see, and a kind of veto on any appointment, which it did not accompany. Besides, it too often happened that princes sold, or otherwise corruptly disposed of the bishoprics, or kept them vacant*. In all these oppressions, they were assisted by the right claimed by them of withholding the ring and crosier.

* It appears from the records of the Exchequer, that Henry I. had in his hands in the 16th year of his reign, one archbishopric, five bishoprics, and three abbies; in the 19th, one archbishopric, five bishoprics and six abbies; and in the 31st, one archbishopric, six bishoprics and seven abbies.—History of England from the first invasion by the Romans to the accession of Henry VIII. By the rev. John Lingard, in 3 vols. 4to. vol. ii. p. 65. He cites Madox, 209, 212.

In this ceremonial, three things gave particular offence to the Roman pontiffs : they considered the ceremony to be spiritual, which it was therefore a sacrilege in a layman to perform ; but the spirituality of the ceremony, it was difficult to prove : they said it virtually deprived the clergy of their right of election ; the prince alleged in answer, that he represented the whole body of the people, by whom the right of election was primitively exercised : it was also said, and certainly with reason, that the practice facilitated the simoniacal traffic of benefices : but this was rather a proof of the abuse of the ceremony, than an objection to the ceremony itself. It is possible that, if some person of weight had brought the popes and princes to a clear understanding of the rights respectively claimed by them, these disputes might have been settled to their mutual satisfaction, either by substituting some ceremonial agreeable to both parties, or making the sovereign declare what he considered the ceremonial then in use to import, and to disavow the opposite construction. Instead of this, the dispute involved the state and church for more than two centuries in the deepest calamities and most complicated scenes of confusion and distress.

At the council of Clermont in France, investitures were prohibited. As soon as Henry the first succeeded to the crown, he required St. Anselm, the archbishop of Canterbury, and all the other prelates to be reinvested in their possessions and to do him homage for them : this was refused by the archbishops and many of the prelates : but the disputes were compromised by an arrangement, in

1106, between pope Paschal and Henry I, which provided, that the king should give investiture of the temporalities by the sceptre, and that the bishop should do him homage. This seems to have settled the controversy to the satisfaction of both parties. While it lasted, St. Anselm was a warm and powerful advocate of the cause of the English clergy: his piety, integrity, talents and learning cannot be denied. "It is observable*," says Mosheim, "that Anselm was the inventor of that famous argument, vulgarly and erroneously attributed to Descartes, which demonstrates the existence of God, from the idea of an infinitely perfect being, naturally implanted in the mind of man; and which is to be found, without exception, in the breast of every mortal. The solidity of this argument, was indeed called in question by Gannito, a French monk: but his objections were refuted by Anselm, in a treatise, professedly written for that purpose."

* "An Ecclesiastical History, ancient and modern, from the birth of Christ to the beginning of the present century, in which the rise, progress and variation of church power are considered in their connexion with the state of literature and philosophy, and the political history of Europe, during that period. By the late John Lawrence Mosheim, D. D. and chancellor of the university of Gottingen. Translated from the original Latin and accompanied with notes and chronological tables, by Archibald Maclaine, D. D. To the whole is added an accurate index. A new edition in 1774. 5 vols. 8vo. (see vol. ii. p. 254.)" An edition of this work was published in 1810 in six volumes. Few histories possess greater erudition or method, or are written in a more pleasing manner.

CHAP. IV.

ECCLESIASTICAL IMMUNITIES:—

ST. THOMAS À BECKET.

1160.

THIS contest may be properly divided into two stages ; that, which preceded, and that, which followed the constitutions of Clarendon.

1. Throughout the first, the principal question was, whether by divine law, or the actual constitution of England, clerks guilty of felony, or any other crime against the king, were triable by the temporal courts. It was admitted that, in all questions arising on the validity of their orders, the integrity of their faith, or the mismanagement of their functions, they were only triable by the spiritual courts.

The general opinion among the clergy, and the prevailing opinion among the laity was, that no crime of the clergy was cognizable by the temporal courts. The canonists contended, that the clergy were entitled to this prerogative by divine right ; but its advocates in this country also alleged, that their claim was allowed by the established laws and usages of the realm. It was evidently a question of great moment, as every individual, who had received the tonsure, whether he afterwards was admitted into holy orders or not, was held to be entitled to the clerical privileges.

No person now contends that the clergy are entitled to this exemption, by the divine law. It

seems to the writer, that the imperial or civil law did not confer it on them *: whether it was allowed them by the ancient law of England, is a more difficult question : the better opinion seems to be, that treasons of clergymen, not against the person of the king, such as those, which have since been called petit treason, were cognizable only in the ecclesiastical courts ; but that treasons against the king's person, since called high treasons, were subject to the cognizance of the temporal courts †.

In the celebrated dispute between the king and St. Thomas à Becket archbishop of Canterbury, the case was, in some respects, narrowed. The king contended, that clerks guilty of felony, should be first degraded, by the ordinary, and then put into the hands of the magistrate to be tried in the king's courts. The archbishop insisted, that, for the first crime the clerk should be tried in the

* “ *Jus ecclesiasticum universum, antiquæ et recentiori disciplinæ, præsertim Belgii, Galliæ, Germaniæ, et vicinarum provinciarum accommodatum, auctore Zegero Bernardo Van Espen, J. U. D. Canon. professore in academia Lovaniense, fol. 1753, vol. ii. p. 203. De jurisdictione criminali* :”—a work of extraordinary merit, and the only elementary treatise of jurisprudence, seen by the writer, which, in his opinion, can be put into competition with Mr. Justice Blackstone's Commentaries : it is written with equal elegance, order, and philosophy, and perhaps with greater precision, and a more profound and extensive knowledge of the subject.

† See “ the History of the English Law from the time of the Saxons to the end of the reign of Philip and Mary, by John Reeves, esq. barrister at law, in four volumes 8vo. 2d edit. vol. ii. p. 464 ;”—a valuable work. The opinion mentioned in the text appears to the writer to be confirmed by the statute of the 25 Edward III, *de Clero*.

bishop's court ; and that, if he were convicted, he should be degraded and punished by spiritual inflictions, either with or without fine, imprisonment or flagellation at the will of the court : but the archbishop admitted that a degraded clerk forfeited the protection of the ecclesiastical law ; so that, if after his degradation, he were guilty of felony, he might be prosecuted in the king's courts.

The king being determined to enforce his claim, summoned all the prelates of England to Westminster, and required from them an acknowledgment, that " the clergy should, in future, be triable " for felonies in his courts of justice." They hesitated : he then asked, whether they would promise to abide by the ancient law of the realm. The archbishop, speaking for himself and for the other prelates present, replied, that, " they were " willing to be bound by the ancient laws of " the kingdom, so far as the honour of God and " the church, and the privileges of their order " permitted." It is observable that this saving was allowed in the oath of fealty, taken by the bishops. The king required its omission ; the archbishop insisted on its retention : at first, the other bishops adhered to their primate ; but the king brought them over to him ; and, after much solicitation, finally prevailed on the archbishop to acquiesce.

To bind them to their promise, the king summoned a convention of the lords spiritual and temporal, at Clarendon, near Salisbury. When they met, he called on the prelates to perform their promise : the archbishop, who feared that he had

gone too far in his former concessions, still expressed a wish that the saving clause should be retained ; but finding, that his suggestion offended the king, and displeased his brethren, he afterwards promised, on the word of truth, to observe the customs, yet required them to be defined. A committee to ascertain and report them was immediately appointed ; and after some consultation exhibited them in sixteen articles, called by the historians of the time, “ the Constitutions of Clarendon.”

By one article, the custody and revenues of the temporalities of every archbishopric, bishopric, abbey and priory of royal foundation, during its vacancy, were declared to belong to the king. This was an absolute innovation : the custody and revenues of ecclesiastical benefices, during their vacancy, were first usurped by William Rufus : his successors, including Henry himself, though they frequently seized and retained them, uniformly disclaimed a right to them.

By another article, it was provided, that civil and criminal suits, though each or either party were a clergyman, *should commence in the royal courts ; that the justices in them should decide, whether they ought to be determined there, or in the ecclesiastical courts ; that, in the latter case, a civil officer should attend the trial, and report the proceedings ; and that, if the clerk were convicted, he should forfeit the privilege of his character and receive judgment accordingly.*—This was the great point in dispute between the king and the archbishop ; the latter contended that this arrangement

was contrary both to the divine and the national law.

Another article declared, that no person, who held lands immediately of the king or of his barons, should be excommunicated, without the leave of the king, or, in his absence, of his justiciary. Former monarchs, the conqueror in particular, had often insisted on this exemption for their vassals ; but it had never been recognized by the clergy, or established by any legal provision ; it could not therefore be a custom of the land.

Much might be said to support, as a custom, a subsequent article, which provided, that no clergyman should leave the country, without the licence of the king : but an article followed, which directed that appeals should proceed regularly, from the archdeacon to the bishop ; from the bishop to the archbishop ; and that, if the archbishop was defective in doing justice, recourse should be had to the king ; by whose precept it was to be referred back to the court of the archbishop, and there finally terminated, without an ulterior appeal. This evidently excluded appeals to the pope, which, at the time of which we are speaking, certainly made a part of the national law. The other articles were of less importance*.

* The articles may be seen at length in Latin in Matthew Paris, p. 106, and in Gervis of Canterbury, 1386. They are printed in English in Collier's Ecclesiastical History, vol. i. p. 351 ; and the History of the life of king Henry II, and of the age in which he lived, in five books, by lord Littleton—book iii.

There are two points of view, in which the constitutions of Clarendon may be considered ; one, as a mere exposition of ancient customs ; the other, as an exposition, recognized by a declaratory enactment, which gave the exposition, whether accurate or not, the force of law. In either light, as the archbishop had only promised to observe the ancient customs, and most if not all of those stated in the constitutions were not its ancient customs, his refusal to subscribe them, was not, as it has been frequently charged on him, a breach of promise. It is equally clear, that, if the constitutions are to be considered merely as an exposition of the ancient customs, they were no further binding than as these were truly represented and expressed by them ; and then, so far as they were untruly represented, the ancient customs remained in force, and the archbishop was their just and honourable champion. —Now, that they were untruly represented every candid reader must allow.

The strongest case, which can be urged against the archbishop, must be made, by shewing that, the constitutions, whether they represented the customs truly or untruly, necessarily became, in consequence of the solemn recognition of them by the great legislative assembly at Clarendon, a part of the national code, and had the force of law. This would reduce the advocates of the archbishop to the necessity of shewing, that the constitutions deprived the church of something, which she possesses by divine right, and of which she could not, or at least did not, lawfully divest herself at Clarendon.

The archbishop persisting in his refusal, the king determined that he should feel the whole weight of his indignation. He made many large pecuniary demands on the archbishop, and finally required from him a sum of 44,000 marks, as the balance due from him to the crown, for the revenues of vacant bishoprics and abbies, which had come into his hands, during his chancellorship. The prelate pleaded, that, at his consecration, both prince Henry and the justiciary had released him, by the king's command, from all such claims. This, the staleness of the claim, and the circumstances, under which it was made, render very probable. On the following day, the archbishop proceeded to court: the king, on the appearance of the prelate, retired to an inner apartment, and the other prelates followed him; so that the archbishop was left alone. But, before long, several of the bishops came out to him, and Henry of Chichester, speaking in their name, said to him, " You were our primate, and
" we were bound to obey you ; but, because you
" have sworn fealty to our lord the king, that is, to
" save his life, members and terrene honour, and
" to observe the customs, which he now requires,
" and you have endeavoured to destroy them, particularly in those instances, in which they regard
" his worldly dignity and honour, we pronounce
" you guilty of perjury; and we shall not in future
" hold it our duty to obey you. Therefore,
" placing ourselves and what is ours, under the
" protection of our lord the pope, we summon you
" before him."—" I hear,"—said the archbishop.

The bishops then withdrew, and sate, in profound silence, on an opposite bench. At length, the earls and barons and a multitude of other persons advanced from the apartment, in which they had been assembled with the king, and proceeded towards the archbishop. The earl of Leicester, at their head, told him, that “ the king ordered him “ to give his answer on the points, which were now “ objected to him, as he had promised, on the day “ before, otherwise to hear the judgment on him.” “ My son,” said the archbishop, “ do you first “ hear your judge. It is not unknown to you, my “ son, how intimate I was with the king ; or with “ what fidelity I served him. By his favour and “ will, I was promoted to the archbishopric of “ Canterbury : God knows that it was against my “ will : my weakness was known to me, and I “ acquiesced, rather from the love which I bore to “ the king, than from my love of God. Be that “ as it may, at the time of my promotion, while the “ election was proceeding in the presence of Henry, “ the son of the king, to whom this very matter had “ been delegated, it was asked, in what condition “ they gave me to the church of Canterbury ; and “ it was answered,—‘ freed and discharged from all “ judicial obligation.’—Therefore, thus freed and “ thus discharged, I am not bound to answer ; and “ I will not answer.” “ This,” observed the earl, “ is different from the representation, which the “ bishop of London made to the king.”

The archbishop added ;—“ My son, give your “ father attention. As much more worthy the

“ soul is than the body, so much more ought you
“ to obey me, than the king. Neither law, nor
“ reason allows, that children should judge or
“ condemn their father. I decline therefore the
“ judgment of the king, of yourself, and the others.
“ God and our lord the pope are my judges. To
“ the pope, before you all, I appeal, placing the
“ church of Canterbury, my order and dignity,
“ and all that belongs to them, under his protec-
“ tion.” Then, addressing himself to the prelates
present, he said,—“ as for you my brethren and
“ fellow bishops, as you are bound to obey God,
“ rather than man, I summon you to trial and
“ judgment before the pope. Thus fortified by the
“ authority of the catholic church, I retire.”

So saying, the archbishop withdrew. In a short time he escaped to France, where, venerated by the whole christian world, he resided many years.

The resentment of the king now knew no bounds: he confiscated the estates of the prelate, and of every clergyman, who had either followed him into France, or rendered him any service; and he banished, without distinction of rank, age or sex, all persons connected with him, by blood or friendship, and aggravated the infliction by making the sufferers take an oath, on their embarkment, that
“ they would present themselves before the arch-
“ bishop, and reproach him with their sufferings.”

We now reach the second stage of this important controversy. A detail of its incidents is foreign to the subject of these pages: it is sufficient to mention succinctly, that, after many fruitless endeavours,

a reconciliation between the archbishop and the sovereign took place at Freitville in Normandy ; that the archbishop returned to England ; that, upon a complaint by him against the prelates, who had assisted at the coronation of prince Henry, the celebration of which ceremony, belonged of right, as he asserted, to the see of Canterbury, the pope excommunicated the bishops of London, Rochester and Salisbury, conferring at the same time, a power on the archbishop to absolve them ; that the sovereign required him to absolve the prelates ; that, on his refusal, they attended in person on the king, who was then in Normandy, to make their complaints against the archbishop ; that, irritated by their representations, the king exclaimed,—“ Of the
“ cowards who eat my bread, is there not one, who
“ will free me from this turbulent priest? :”—that four knights, who heard this exclamation, bound themselves by oath to avenge the king ; that they sailed for England, and proceeded directly to Canterbury, entered the cathedral, and, advancing to the archbishop, required him instantly to absolve the bishops ; that he refused to do it, till the prelates made satisfaction ; that, on this refusal, the four knights murdered him ; that, as soon as the king was informed of it, he solemnly denied all participation in its guilt, but admitted the unguarded exclamation, upon which the knights proceeded to the perpetration of the crime, and, on this account, submitted to a public and humiliating penance, and was absolved by the pope.—Previously to it, he solemnly abrogated all the unlawful customs,

which he had introduced into his states, and forbade their being observed in future.

The archbishop was canonized in 1178. His memory has been ever held in honour by the church of Rome. "He combated, even to blood," says Bossuet, "for the church's minutest rights:—and
"maintaining her prerogatives, as well those, which
"Jesus Christ had acquired by his death, as those,
"which pious princes endowed her with, he defended the very outworks of the holy city:—
"his glory will live as long as the church; and
"his virtues, which France and England have
"venerated with a kind of emulation, will never
"be forgotten*."

The writer has not discovered any formal repeal of the constitutions of Clarendon; but it is clear that, from the time of the archbishop's decease, they ceased to be considered as law. This may be thought to favour the notion, that they were merely an exposition of the customs, and not a legislative enactment.—At a council held at Northampton, in 1176, it was provided that, "no clergyman

* "The history of the Variations of the protestant churches, by James Benign Bossuet, bishop of Meaux, one of his majesty's honourable privy council, heretofore preceptor to the dauphin, and chief almoner to the dauphiness. In two parts. Translated from the sixth edition of the French original, printed at Paris, 1718, by father Muston, alias Browne, s. 1."

Candid protestants, also, have respected the memory of Becket. Collier's account of the controversy between him and his sovereign, (*Eccl. Hist.* vol. i. p. 343–377,) deserves a very serious perusal.

“ should be personally arraigned before a secular judge, for any crime or transgression, unless it was against the law of the land, or regarded a lay fee.” Here the matter appears to have rested till the reformation.*

CHAP. V.

LEVIES ON ECCLESIASTICAL BENEFICES.

TO answer the wants of the church, and supply other calls upon them, the popes frequently required from the secular and regular clergy pecuniary contributions, similar to those, which the temporal lords were entitled to receive from their feudatories. It has been said, that the demands of the popes on the English clergy were greater than those, which they raised on the clergy of any other state ; and that this was owing to the ascendancy which the popes obtained in consequence of the

* Those, who seek for full information, upon the controversy between Henry II, and St. Thomas, should consult, “ Fides Regia Anglicana ; sive annales ecclesiæ Anglicanæ : ubi potissimum Anglorum catholica Romana et orthodoxa fides, ab anno D’ni 1066 ad 1189, e regum et augustorum factis et aliorum sanctorum rebus e virtute gestis asseritur auc. R. P. Mitchaele Alfordo alias Griffith, Anglo, Societatis Jesu Theologo Leodii, 1663,” in four large folio volumes. The fourth contains an account of the transactions between the king and the archbishop, extracted from ancient authors. He gives such copious extracts from them as leave the reader, who wishes for original information, little to desire.

surrender, which king John made of his crown to the Roman see. This event we shall notice in a future page ; in the present chapter, we shall succinctly mention the complaints against the popes on account of the subsidies levied by them on the clergy.

The ascendancy, which the pope obtained by his arrangements with John, was increased by Henry III, who succeeded that monarch in the throne. Immediately after his accession, he swore fealty to the sovereign pontiff ; and in every vicissitude of fortune, treated the see of Rome with the highest respect and affection. In his reign, however, the English clergy began to remonstrate against its exactions.

The disputes between Gregory IX, and the emperor Frederick, involved the pope in great expences : he demanded aid from his clergy ; it was cheerfully granted ; but the demand was often repeated, and, under Innocent IV, became so frequent, as to occasion universal discontent, both among the clergy and the laity. The aid required, was generally a twentieth, but sometimes a much greater proportion of the annual income of every beneficiary, either of the first or the second order of the clergy ; and of every ecclesiastical community that possessed revenues. The clergy remonstrated against these exactions in firm but temperate language ; their remonstrance was accompanied by a letter from the king ; but the complaint was disregarded. By degrees, the nation entered into the cause : the king, the bishops, the barons, and

the abbots wrote letters to the pope. The clergy proceeded in their letter so far as to hint to his holiness, that, "if he did not redress their grievances, they should be forced themselves to redress them; and that the interest of the court of Rome in England would then be so embarrassed, as to make it very difficult to restore it to its former condition." The pope, however, persisted in his demands; the king veered to him, and the clergy compounded with the pontiff for 11,000 marks.

On some occasions, the pope and the king combined to enforce these levies from the clergy. Thus, when Innocent IV conferred the kingdom of Sicily on Edmund, the nephew of the king, they compelled the bishops and abbots to accept bills for 20,000*l.* drawn upon them in favour of the king by bankers at Venice and Florence. They further ordered the general body of the clergy to pay into the exchequer of his majesty, during five successive years, a tenth part of their annual rents. They also placed at his disposal, during that period, one year's income of the vacant benefices, and the value of the goods of all clergymen, who died intestate. In like manner, during the war between Henry III and the earl of Leicester, the pope granted to the monarch a tenth part of the revenues of the church for three years.

It should be added, that, through all the contests of Henry with the *mad parliament* as history has called it, and with the earl of Leicester its supporter, the pope was uniformly attached to the royal

cause : nothing could be more wise or more suitable to his paternal character, than the advice which he gave to the monarch, on the victory gained by him at Evesham : “ The news of it,” says Mr. Lingard *, “ filled the pope with joy : he instantly “ wrote to the king and prince, to express his gratitude to the Almighty for so propitious an event ; “ but, at the same time, earnestly exhorted them to “ use with moderation the licence of victory ; to “ temper justice with mercy ; to recollect that “ revenge was unworthy of a christian, and that “ clemency was the firmest pillar of a throne.”

It would, however, be doing a great injustice to the popes to suppose, that the money, which they received from the impositions which have been mentioned, was altogether employed in carrying on their wars, or in the support of their magnificence or pleasures. The wars, in which they voluntarily engaged, were not numerous. In their quality of sovereign princes, they had all the inherent rights of sovereignty to enforce and defend their claims by arms ; but they seldom were aggressors : and it is not a little remarkable, or little to their honour, that it is difficult to specify a single instance, in which they increased their temporal territory by conquest. The whole even of their present possessions consists, with a small exception, of the patrimonies, which they successively inherited under the donations of Pepin, Charlemagne, Lewis, Lothaire, the emperor Henry Otho, and the countess Mectildis.

Speaking therefore generally, the wars of the

* Hist. vol. ii. p. 358, cites Rymer, i. 817, 820.

popes were wars of defence ; and, considering how important it was to christendom, that their independence, as sovereigns of a respectable dominion *, should be preserved, and the constant aid which the clergy derived from them, their claims on these to contribute to the relief of their pressing wants, were natural, and certainly not always unseasonable.

Add to this, the heavy expences inseparably incident to the obligation which the superintendence of all christian churches †, (then universally acknowledged to be their prerogative duty),—and the propagation of the gospel in pagan countries, imposed on them.

CHAP. VI.

STATUTES AGAINST PROVISORS, AND THE EXPORTATION OF ECCLESIASTICAL REVENUES OUT OF THE KINGDOM.

DURING the period of which we are now writing, both the monarch and his subjects, as well ecclesiastical as lay, frequently complained, that the popes too often invaded the acknowledged rights of the patrons of ecclesiastical benefices, and even forced foreigners into them.

Towards the commencement of the twelfth century, the popes began to reserve to themselves the presentation to all benefices, which became vacant, while the incumbent was attending the court of

* *Haud contemnendi imperii*, as his state is described by Bellarmine in his answers to James I.

† *Sollicitudo omnium ecclesiarum*, as St. Paul expresses it.

Rome, on any occasion, or on his journey to that court or from it ; and to such benefices, as became vacant by the promotion of the incumbent to a bishopric or abbey. They also assumed to themselves a right to nominate, by anticipation, to benefices, before they became void ; or to direct the patrons to nominate specified individuals : these were called papal provisions. Pope Gregory IX. ordered St. Edmund, the archbishop of Canterbury, Grosseteste bishop of Lincoln, and the bishop of Sarum to provide certain Roman clergymen *, with vacant benefices in England, under pain of losing their own right of collation, till provision should be made for them.

The necessities of the popes led them to these measures : the kings and the clergy remonstrated against them ; but the kings were sometimes insincere in their remonstrances, as, by obtaining these grants for themselves, they were enabled to provide for their own favourites. Some concessions, however, were obtained from the pope on behalf of lay patrons : but the general evil continuing, the barons and clergy addressed a letter to the pope, containing a list of the grievances of the kingdom. They dwell on the exactions of the Roman see, and particularly complain, that “ their livings “ were disposed of to foreigners ;—to men, who “ neither understood English, nor were otherwise “ qualified for church preferment ; and that the “ Italians, thus received 60,000 marks yearly from

* Matt. Paris, p. 658, says the number of them was three hundred : this must be an exaggeration.

“ the church,—which, was more than the whole re-
 “ venues of the crown,—to the neglect of instruc-
 “ tion, and disuse of hospitality *. These remon-
 strances seem to have produced some effect: the
 pope issued a bull, in which, “ he professed a dis-
 “ like of the practice; but alleged the necessities,
 “ by which he had been driven to it: he empower-
 “ ed all the patrons of benefices in the possession of
 “ foreigners to present to them immediately; and
 “ declared that the individuals so presented might
 “ take possession of the benefices, instantly on the
 “ death or resignation of the actual incumbents, and
 “ in despite of any provision, that might thereafter
 “ be made by him or his successors †.”

The practice, however, was continued. It was more sensibly felt, during the great schism. The popes themselves, and the greater part of the cardinals, and of other ecclesiastics then about the papal court, were of French extraction: it was an

* *Fasciculus rerum expetendarum et fugiendarum*, prout ab Orthuino Gratio, Presbytero Daventriensi, editus est, Coloniae, A.D. MDXXXV. in concilii tunc indicendi usum et admonitionem: ab innumeris mendis repurgatus, juxta editiones singulares et potiores plerorumque tractatum, qui in eo continentur: unâ cum appendice sive tomo ii. scriptorum veterum, quorum pars magna nunc primum e mss. codicibus in lucem prodit, qui ecclesiae Rom. errores et abusus detegunt et damnant, necessitatemque reformationis urgent. Quorum omnium ratio in praefatione ad Lectorem, Fasciculo prefixâ redditur. Operâ et Studio Edwardi Brown, Parochi Sundrigiae agro Cantiano.—Lond. 1690.—See tom. ii. p. 415.

† Lingard's Hist. vol. ii. p. 311, cites Matthew Paris, 741, Annal. Burt. 326, 330. Rym. i. 294.

obvious remark, that to provide such persons with English benefices, which was improper at all times, was then singularly unwise; and must then be viewed by the English with particular indignation. The practice, therefore, was frequently and loudly complained of; but the complaint was neglected; and the consequence, as might have been foreseen, was, that the nation took the affair into its own hands, and redressed the grievance. "Several laws," says Sir William Blackstone *, "were enacted, which provided that the court of Rome should present or collate to no bishopric or living in England; and that those, who disturbed any patron in the presentation to a living, by virtue of a papal provision, should pay fine and ransom to the king."

In our present view of things, papal provisions appear an intolerable usurpation. Some circumstances, however, should be taken into consideration, which will perhaps induce the reader to think that they were not wholly unattended with salutary consequences. They prevented the patrons of ecclesiastical livings from keeping them vacant and converting the revenues to their private use; they also restrained the simoniacal traffic of benefices, one of the greatest calamities of the church during the middle ages. They enabled the popes to fill the church with men of talents and character. This was felt so strongly, that, in 1399, the universities both of Oxford and Cambridge presented

* Commentaries on the laws of England, book iv. c. 8, cites 25 Edward III, st. 6; 27 Edward III, st. 1, c. 1; 38 Edward III, st. 1, c. 4. & st. 2, c. 1, 2, 3, 4.

petitions to the convocation, stating that, “ since “ the passing of the statutes against provisions, the “ members of the universities had been neglected “ by patrons, so that the schools were disregarded “ and nearly abandoned.”—Sixteen years later, the matter was taken up by the house of commons : they addressed the king with the same complaints, and prayed for a repeal of the statutes, or some other adequate remedy. The monarch referred the matter to the bishops : and, in 1416, a law was passed in convocation, obliging every spiritual patron, during the next ten years, to bestow the first vacant benefice in his presentation, and after that, every second, on some member of one of the universities, graduated in one of the three faculties *.—This was a partial remedy ; but it proves the existence of the evil.

Another circumstance should be taken into consideration. In consequence of the successful invasion of England by the first William, the nation was divided into two classes, the Norman conquerors, and the conquered Saxons : every art was used to exalt the former and depress the latter. With this view, offices and employments of honour or emolument were almost exclusively appropriated to the Normans ; and this was particularly the case with respect to the dignities and possessions of the church. The Norman too was the language of the palace and the courts of justice, and no other was spoken in the circles of the great : but the Saxon continued to be the language of the commonalty. Thus, in their regard,—and they certainly consti-

* Lingard's History, vol. iii. p. 306.

tuted the bulk of the nation,—the Norman was as much a stranger as an Italian ; and, as a member of the oppressing cast, he was singularly unpleasant to them. An Italian would naturally be a greater favourite ; his manners would be more conciliating : whether the priest spoke in the Italian or Norman language he was equally unintelligible to the mass of the people ; but the Norman was a language of woe, which the Saxon could not hear without recollecting the misfortunes of his country and his own abjection. It may be added, that the Italian, as a person sent to them from the Roman pontiff, whom they considered, and who certainly, on several occasions, proved himself to be the common father of the faithful, would be viewed with more regard and kindness than any clergyman of the invading race. It was also likely that the Italian would be better informed, more regular in the discharge of his duty, less insolent and less oppressive. There seems, therefore, some reason for supposing, that the papal provisions, which are now so strongly censured, and which, in some points of view, may be justly censurable, were rather a general benefit than a general grievance to the nation ; and that the statutes to restrain them, were called for rather by the king and the nobles, than by the general body of the people.—It is understood that the distinction which we have noticed, between the Norman and Saxon portions of the community and the difference of their language, customs and feeling, continued to be strongly marked till the reign of Edward III, from which time, it began to wear away.

The practices, which have been mentioned, tended to drain the kingdom of its specie ; a further subtraction of it was produced by the remittances, which, religious houses, in consequence of the impositions, with which they were charged, sometimes by the popes, and sometimes by their foreign superiors, were obliged to make into foreign countries. This, particularly at a time, when a paper currency was altogether unknown, was a considerable grievance. To remedy it, a statute was passed in the 35th year of Edward I : after reciting that abbots and other governors of religious houses were used to set pecuniary impositions on communities, subject to their government, and to dispose of them at their pleasure, it directed, “ that every religious person, “ taking or sending money out of the kingdom, “ should be grievously punished ; and that alien “ abbots imposing such a tax should forfeit their “ property for the offence *.”

CHAP. VII.

STATUTES OF PRÆMUNIRE.

THE rise, decline and fall of the temporal power of the pope, form one of the most interesting and important topics of modern history. The subject of these Historical Memoirs obviously requires some mention of them : we shall therefore endeavour to place before our readers,—some account, I. Of the

* 35 Edward I, st. De asportatis religiosorum.

rise of the temporal power of the popes : II. Of its decline,—(the history of its fall belongs to a later period),—III. And of the successful resistance made to it by the sovereigns and legislature of England, particularly by the statutes of præmunire. IV. The chapter will conclude, with short observations on the services rendered by the popes to religion and government.

VII. 1.

Rise of the temporal power of the Pope.

ST. PETER, the first of the popes, had neither temporal estate, nor temporal power. During the ten persecutions, his successors acquired some moveable and immoveable property, for the support of the altar and its ministers, and for the purposes of charity. The donation of Constantine is a fable ; his constitution of 321, by which he authorized churches to acquire and hold property of every description, by gift, testamentary donation, or purchase, is the real source of the wealth of the church. From him and his successors, the popes obtained extensive possessions in Italy, Sicily, Dalmatia, France and Africa. In consequence of their descendible quality from pope to pope, they were called the patrimony of St. Peter. Other churches had their respective patrimonies, to which they gave the name of an eminent saint of the district. Thus, the landed property of the church of Ravenna, was called the patrimony of St. Apollinaris ; that of the

church of Milan, was called the patrimony of St. Ambrose ; and that of Venice, was called the patrimony of St. Mark. In this manner, the popes became *owners of houses and farms*.

The laws of Constantine and his successors conferred on them something like a right of civil jurisdiction. This was increased by the circumstances and temper of the times ; and thus they acquired the *power of magistracy*.

After Justinian had re-conquered Italy, Rome was governed by a duke, who, like the other dukes of Italy, was wholly subordinate to the exarch of Ravenna. Still, as the popes constantly resided at Rome, their spiritual character, their talents, the use which they made of them, and particularly, the sums of money spent by them in public and private charities, in support of the walls and fortresses of the city of Rome, and in maintaining troops for its defence, endeared them to the Roman people. This gave them considerable *political influence* in the city of Rome, and the adjoining parts of Italy. Their exercise of it was always useful, and sometimes necessary for answering the purposes of government, and thus the popes became possessed, indirectly of *temporal power*.

Such was the situation of the popes, at the commencement of those successful expeditions of Pepin and Charlemagne into Italy, which terminated in the establishment of the western empire of the latter on the ruin of the Byzantine dynasty. To each of these monarchs in the prosecution of his views, the popes rendered essential service ; and received from the former, the exarchate, the Pentapolis, and

other extensive possessions in the neighbourhood of Rome ; and from the latter, a confirmation and extension of this *ample territory*.

At a subsequent time, the pious munificence of the celebrated Mectildis, countess of Tuscany, enriched the holy see with considerable possessions. By two deeds, she gave all the estates of which she was then possessed, or which she might afterwards acquire, to the holy see. The principal of them were Tuscany, Spoleto, Parma, Placentia, and a considerable territory in Lombardy.

Thus, from an humble fisherman, the Roman pontiff became a *great temporal prince*, and the eternal city, as Rome is often called, became the seat, as well of his temporal as of his spiritual power. Unfortunately, he soon advanced a higher claim.—In virtue of an authority, which he pretended to derive from heaven, the pope asserted, that, by divine right *, the pope was the *supreme temporal lord of the universe*, and that all princes and civil governors were, even in temporal concerns, subject to him. In conformity with this doctrine, they took on themselves, to try, condemn, and depose sovereign princes, to absolve their subjects from their allegiance, and to grant their kingdoms to others.

* Some modern writers, to veil the hideousness of these pretensions, have insinuated that the popes made their claim to temporal power, not by divine right, but by the concessions of princes. Can this be honourably urged by any person, who has read the sentence by which Gregory VII. deposed the emperor Henry ? Or the bulls *Ausculta fili* and *Unam Sanctam* of Boniface VIII ? Or even the bulls and briefs, which we are obliged to bring forward in the course of these Memoirs ?

That a claim so unfounded, so detrimental to religion, so hostile to the peace of the world, so extravagant, and, on the face of it, so baseless and visionary, should have been made, is strange: stranger still is the success which attended it. There scarcely is a kingdom in christian Europe, the sovereign of which did not, at some time or other, acquiesce in it, so far at least as to invoke it against his own antagonist; and, having once urged it against another, it was not always easy to deny, with consistency, the justice of it, when it was urged against himself. When the pope excommunicated Philip Augustus of France, for marrying a woman in the life-time of his first wife, he charged the pope with insolence and an abuse of his power; but, when the pope conferred the kingdom of England on him and his heirs, in perpetual succession, he observed to no one, that the pope had no right to dispose of kingdoms*.

VII. 2.

Vol. I. c. 6. s. 1. p. 35.

Decline of the Temporal Power of the Pope.

* See other instances of a similar nature in the late publication, intituled "Du Pape," 8vo. 1819: few works display greater intrepidity of assertion, but it contains many curious facts, not generally known, and many judicious remarks: it is observable that the author, in the beginning of his work, falls into a great mistake by confounding the right of the pope to supreme jurisdiction in ecclesiastical causes, which no catholic denies him, with the question on his personal infallibility in matters of faith.

VII. 3.

Resistance of the Sovereigns and Legislature of England to the attempts of the Popes to establish in it their Temporal Power.

ABOUT the year 726, king Ina subjected the West Saxon division of England,—about the year 793, king Offa subjected its East Saxon division to the payment of Peter-pence, for the support of a school founded by the former at Rome, for the education of English in that city. The penny was to be collected yearly from every family,—(except those residing on estates belonging to the monastery of St. Albans),—whose lands exclusively of the tenements on them, could yield a rent of thirty pence. It is evident that these were merely settlements of revenues for a pious and charitable foundation : but, in subsequent times, it was contended that the reservations contained in these grants were in the nature of quit-rents, importing an acknowledgment of territorial submission to the holy see.*

* Collier, vol. i. p. 143. He cites Baronius, A. D. 740, p. 130, and Polydore Virgil, Hist. l. iv. p. 86.—Father Persons,—(Answer to sir Edward Coke, c. vi. s. 67, 68, 69),—mentions the Peter-pence as a temporal tribute, and that it was a voluntary gift of temporal jurisdiction. Father Alford,—(Annales ad annum 726),—mentions it in the same light, and is eloquent on the subject. Probably at first, it was in the nature of a pension from the crown, and, till a much later period, did not become a tax on the subject. It was payable on the 1st of August, the feast of St. Peter's chains ; the bishops received it, and paid it over to the pope's collectors ; if the bishops made default in the payment of it, they might be sued for it in the royal courts.

With the exception of a short interval in the reign of Edward III, the Peter-pence were regularly paid, till a statute in the twenty-fifth year of the reign of Henry VIII, forbade the payment of them. The collection is said to have amounted to 3,000 marks.

William the conqueror was favoured in his invasion by the reigning pontiff: he sent his blessing to the monarch and consecrated his banners. The conqueror often expressed himself to the pope, in terms of reverence and duty; and acknowledged, on more than one occurrence, his spiritual supremacy; but, on every occasion, he jealously preserved the independence of his crown, against the pretensions of the roman see.

With the same spirit, when Gregory VII, by Hubert his legate, solicited Henry II. to do homage to the apostolic see for the crown of England: "I will not do it," was the monarch's proper answer; "I did not promise it myself; nor can I learn, that any of my ancestors promised to do it."

By degrees however the papal pretensions gained strength; and, at length, to adopt the language of sir William Blackstone*, "pope Innocent had the effrontery to demand, and king John had the meanness to consent to a resignation of his crown to the pope; by which England was to become forever St. Peter's patrimony; and the dastardly monarch re-accepted his sceptre from the hands of the papal legate to hold as the vassal of the holy see, at the annual rent of 1,000 marks."

* Com. book iv. ch. 8.

But the nation did not acquiesce in this surrender of her independence ; and it was acknowledged,—at least with the exception of Henry III,—by no succeeding monarch.

During the expedition of Edward I. to Scotland, he received a letter from Boniface VIII. in which the pope declared, that Scotland was a fief of the holy see, and required Edward to desist from force, and pursue his claim in the court of Rome. To this extraordinary requisition, the king paid no regard. The papal message was, however, laid before the parliament then assembled at Lincoln : “ Having diligently read your letter,” say the barons, in answer to the pope, “ it is,—and, “ by the grace of God, shall ever be,—our common “ and unanimous resolution, that, with respect to “ the right of his kingdom of Scotland, or any other “ of his temporal rights, our aforesaid lord shall not “ plead before you ; nor submit to any trial, or inquiry ; nor send any messenger, or prolocutor, “ to your court, especially, as such proceedings “ would be to the manifest disherison of the rights “ of the crown of England, and the royal dignity ; “ the evident subversion of the sovereignty of the “ kingdom ; and to the prejudice of the liberties, “ customs and laws, which we have inherited from “ our fathers ; and to the observance and defence “ of which, we are bound to our oaths ; and which “ we will continue to hold to the best of our power ; “ and with the assistance of God, will defend with “ all our strength. Neither do we, nor will we, “ nor can we, nor ought we, to permit our lord the

“ king, to do any of the things aforesaid, even were
 “ he ever so desirous to do them.” The pope wrote
 to the king, that “ the emperor and king of France
 had “ submitted to him.”—“ If both the emperor
 “ and the French king should take the pope’s
 part,” replied Edward, “ I am ready to give battle
 “ to them both in defence of the liberties of my
 “ crown *.”

In the 40th year of the reign of Edward III, pope Urban V. attempted to revive the papal claim to vassalage and annual rent, to which king John had subjected the kingdom. In consequence of it, the king assembled his parliament, and referred the demands of the pope to them. The prelates desired a day to consult in private, and, on the next morning, answered that, “ neither John, nor any other
 “ person could subject the kingdom to another
 “ power, without the consent of the nation.” The temporal peers and commons assented; and, in a public instrument, repeated the answer of the prelates; adding that “ the act of John was done without the consent of the realm and against the tenor
 “ of the oath, taken at his coronation.” It was then resolved by the lords and commons, (the king and prelates having withdrawn), that, “ if the pope
 “ attempted to enforce his claim by process of law,
 “ or any other means, they would resist and stand
 “ against him, to the very utmost of their power.”

* Collier’s Ecc. History, tom. i. p. 725.—Lingard’s History of England, vol. ii. p. 438.

† Lingard’s History of England, vol. iii. p. 146, 147, cites Rot. Parl. ii. p. 289, 290. See also Cotton’s Abridgment o. Records, p. 102.

At subsequent times different statutes were passed to strengthen the foregoing laws, and extend their provisions. These statutes were generally called the statutes of *præmunire*. They received this appellation from the language of the writ of citation, preparatory to the prosecution upon them. By this, the sheriff was ordered “to cause the offender to be “forewarned,”—(*præmunire*,—a barbarous word for *præmonere*, facias),—“*N. N.* to appear, and to “answer the contempt with which he was charged;” which offence was recited in the preamble to the writ. The contempt was supposed to consist, in paying that obedience to a process issuing from the papal court, which was due to the king alone. The punishments inflicted by these statutes, are various. Collectively taken, they are thus shortly summed up by lord Coke,—“that, from the time of conviction the defendant should be out of the king’s “protection, and his lands and tenements forfeited “to the king; and that his body should remain at “the king’s pleasure.”

Such were the provisions, by which, when the popes were in the zenith of their authority, our catholic ancestors disclaimed and resisted their pretensions to temporal power, and even the undue exercise of their spiritual power, within this imperial realm*.

* The subject of this chapter is exhausted by lord Coke, in his treatise *De Jure Regis Ecclesiastico*, prefixed to the fifth volume of his Reports, and the answer to it by father Persons, published in 1606.—See also Mr. Lingard’s *History of England*, vol. ii. ch. 15, p. 304, 311 :—and vol. iii. ch. 19, p. 144, 156; ch. 20, p. 189, 198.

VII. 4.

Services rendered by the Popes to Religion and Government.

THE scenes, in which the popes were engaged, in consequence of their claim to temporal power by divine right, present the dark side of the papal character. In most other respects, they appear to advantage, both in their sacerdotal and their civil capacities. That a few, in the long list, were stained by vice, is not denied ; nor that others exhibited the workings of those passions, which too generally accompany the possession of power ; but can it be said, that, even in the times of the greatest ignorance, the roman bishops were not eminently distinguished by superior virtue and superior acquirements ? Collectively taken, let them be compared with the contemporary princes in every age ; and most assuredly they will not suffer on the comparison.

Voltaire observes that, in the dark ages, there was less of barbarism and ignorance in the dominions of the popes, than in any other European state. Much, unquestionably, was done by them, in every portion of christendom, to dispel ignorance, to spread the faith and morality of the gospel, to protect the lower ranks against their oppressors, to preserve peace among princes, and to alleviate the general calamities of the times. Their exertions, during the middle ages, to compel the monarchs of Europe to respect the sanctity of the marriage bed, have not been sufficiently observed : had it not been for these, royal

incontinence, even of the worst kind, would probably have become common, and would probably have been generally imitated.

Persecuted by every other power, the jews were protected by the popes; great exertions were made by them for the redemption of captives, and for the amelioration of the condition of the slaves*. Nothing contributed more to elevate the third estate into notice, and give it importance, than the assistance, which the Italian republics, in their contests with the emperors, received from the popes. Their exertions for the conversion of infidels were unre-mitted: few nations can read the history of the introduction of christianity among them, without being sensible of their obligations to the popes.

CHAP. VIII.

HISTORICAL MINUTES OF ROBERT GROSSETETE, BISHOP OF LINCOLN.

THIS illustrious prelate † took an active and honourable part in many of the events mentioned in the preceding chapters. As several circumstances

* In 1167, pope Alexander III. solemnly declared in council, that all christians ought to be exempt from slavery.

† This account of Robert Grossetete is taken from "The Life of Robert Grossetete, the celebrated bishop of Lincoln, by Samuel Pegge, LL. D. prebendary of Louth, in that diocese, with an account of the bishop's works, and appendix, quarto, 1793." This work is become extremely scarce, and a new

of his life shew the spirit of the times, to which this portion of our work relates, on most of the subjects of the preceding pages ; and as, notwithstanding the great renown of this prelate in his own time and in the times, which immediately followed, the particulars of his life are little known to the generality of readers, it has been thought, that a short biographical notice of him in this place, would not be unacceptable.

VIII. 1.

Birth and early years of Grossetete.

HE was born, according to the most probable opinion, about the year 1175, at Stow, a village near Lincoln, of obscure parents. His mother on her death bed, recommended him to “ seek God “ and true wisdom, more than meat or drink.” Impressed with this sentiment, the mayor of Lincoln having proffered him a boon, Robert entreated the mayor to procure him the means of improving his

edition of it, enlarged by interweaving in it a history of the times, which was Dr. Pegge’s original design, would be a valuable present to the public.—By the favour of Dr. Cameron, the roman-catholic bishop in the Lowlands of Scotland, the writer has been favoured with a perusal of a manuscript life of bishop Grossetete, by the late doctor Perry, president of the English roman-catholic college of Valladolid. Should such a work, as the writer has suggested, be undertaken, both this manuscript and a life of Grossetete, which Dr. Pegge mentions in his preliminary observations, to have been left in manuscript, by Mr. Knight the biographer of Erasmus, should be consulted.

mind. The good mayor placed him in a grammar school : there he distinguished himself ; and, having finished in it his grammatical studies, was removed to Oxford. Anthony Wood * mentions, that this celebrated university then contained 30,000 students ; some of whom were foreigners. Here, Grossetete made great proficiency in the learning of the schools, and obtained also a considerable degree of knowledge both of the Greek and Hebrew languages. To pursue his studies with greater advantage, he repaired to Paris : “ Whither,” says Dr. Pegge, in his life of our prelate, “ almost all “ our English divines, who aspired after a superior “ degree of eminence in their profession, resorted “ for the finishing of their character, notwithstanding the high reputation of our own domestic “ academies.”

* “ *Athenæ Oxonienses*. An exact history of all the writers and bishops who had their education in the most ancient and famous university of Oxford, from the 15th year of king Henry VII, A. D. 1500, to the end of the year 1690, representing the birth, fortune, preferment, and death of all those authors and prelates, the great accidents of their lives, and the fate and character of their writings. To which are added the *Fasti* or *Annales* of this University for the same time. fol. 1791.”—See vol. i. p. 80, 84, 98.

VIII. 2.

Grossetete's Proficiencies in Literature.

GROSSETETE cultivated literature through life. The writings, which he left behind him, embraced the whole circle of science, logic, ethics, œconomics, politics, arithmetic, geometry, the doctrine of the sphere, comets, the air, light, catoptrics, astronomy, metaphysics, music, medicine, canon law, and theology. He composed treatises on most of these. The far greater part remains in manuscript : some of his sermons, and many of his letters, were published by Mr. Browne in his *Fasciculus*.

The vulgar looked on Grossetete as a prodigy. Like many other men of science, who flourished in the dark ages, he was accused of magic : he was said to have framed a head, that spoke and gave council ; and to have had such a power over the invisible world, that, on an emergency, he compelled Satan to assume the shape of a horse, which carried him to Rome and back from it, in twenty-four hours. To some of these magic honours, Roger Bacon, the Franciscan friar, afterwards succeeded.

Grossetete first attracted the notice of the public by his lectures on theology. The reputation which he acquired by them, soon obtained for him the degree of doctor in that science. He was afterwards promoted to the archdeaconries of Salisbury and Leicester. In 1234 and 1235, he was unanimously elected by the chapter of Lincoln to that

extensive and wealthy see, and the king readily confirmed his election.

Through the whole of his episcopacy, Grossetete strove to promote religion and learning, to enforce, among his clergy, an exact observance of discipline. This engaged him in several disputes; one, with the dean and chapter of his own cathedral church, on his right to visit them; one, with the dean and chapter of the cathedral church of Canterbury, on their right to receive, during the vacancy of that see, appeals from his sentences; and several with the regular clergy of his diocese, on his right to reduce, under his donation, all the churches possessed by them, to which they could not shew a regular and authenticated title; and on his right to charge those, to which they shewed such a title, with the payment of a competent stipend to an incumbent, who performed the parochial duty. In all these contests, he succeeded, and his conduct gave general satisfaction: but he was engaged in more important contests both with the crown and the pope. These more properly relate to the subject of these pages.

VIII. 3.

The Sentiments of bishop Grossetete on the different nature of Spiritual and Temporal Power.

WE shall first state these in the prelate's own words :

“ Whatever portion secular princes possess of
“ that power and dignity, which is ordained by
“ God, they receive it all from the church : whereas
“ the princes of the church—(her prelates),—receive
“ no part of their ecclesiastical dignity and autho-
“ rity from secular princes, but from God. He,
“ who receives power from another, cannot rebel
“ against him, from whom he receives it, by abusing
“ what he hath received, any other than if the axe
“ should glory against him, who saws with it ; or
“ the rod or staff against him, who listeth it.
“ Moreover, secular princes are to remember, that
“ both swords belong to Peter, the natural as well
“ as the spiritual ; with this difference, that the
“ princes of the church, who sit in the chair and
“ office of Peter, wield the spiritual sword by them-
“ selves, but wield the temporal one by the hand
“ and ministry of secular princes, who are to un-
“ sheath or sheath the sword they carry, at the
“ beck and direction of the princes of the church :
“ for, as Paul saith, the secular prince doth not
“ wear the sword in vain, and adds the reason be-
“ cause he is the minister of God, an avenger to
“ execute wrath upon him, who doth evil. Secular
“ princes therefore bear the sword as ministers of
“ God, to execute his vengeance upon evil-doers ;
“ in like manner both peaces and both laws are
“ entrusted to Peter’s lieutenants : with this dif-
“ ference, that Peter and his vicegerents administer
“ by the hands of secular princes, that peace and that
“ temporal law, which have been ordained for the
“ good order of society, and for our undisturbed

“ passage through this temporal life ; whereas they
“ exercise, by their own proper ministry, that spi-
“ ritual peace, which unites the faithful in one heart
“ and mind towards God ; and that spiritual law,
“ which promotes that (spiritual) peace. Hence,
“ as secular princes, in bearing the sword as
“ avengers of the evil-doer, are thereby ministers of
“ God, and consequently of the church, the spouse
“ of Christ ; so, in holding and exercising the ad-
“ ministration of the temporal peace and law, they
“ are also ministers of God, and consequently of
“ his church. Hence also, the laws, which are
“ formed to preserve the peace of our temporal life,
“ cannot, in anywise contradict the laws of God,
“ or of his church. Since no minister ought to lift
“ up his heel against him whose minister he is.

“ Now, that both the swords, both the peaces, and
“ both the laws are primarily and originally lodged
“ in the princes of the church, appears not only
“ from the expositors of the holy books, but from
“ the divinely disposed examples of the chiefs of
“ the ancient people of God. Moses, though di-
“ vinely appointed chief of the people of Israel, and
“ the perfect type of the presidents of the church,
“ administered, by himself, both swords, and ruled
“ the people committed to his care, by both powers,
“ and by both laws : for, as the Scripture asserts *,
“ he presided over the people, in the things, which
“ belonged to God, and restrained those, who trans-
“ gressed his laws, the due observance of which

* Exod. c. 18, v. 19.

“ constitutes the tranquillity of the spiritual peace ;
 “ and besides this, he girded his sword upon his
 “ thigh, and passing through the camp, from one
 “ gate to the other, he chastised the disturbers of
 “ the civil peace, and those disturbers, whether of
 “ the spiritual or temporal peace, he judged and
 “ punished by laws, proper to each. But, when
 “ our Lord Jesus Christ appeared on earth, then
 “ he, who is the true God, and most meek lamb,
 “ would have meekness and the contemplation of
 “ heavenly things to shine principally in the princes
 “ of his church ; and therefore, lest this pre-emi-
 “ nent meekness, and application to things above
 “ should be eclipsed under the exercise of severity
 “ and the application to secular affairs, the actual
 “ exercise of the material sword, which flashes with
 “ the terror of just severity, and the administration
 “ of the temporal, which is clouded with the dark-
 “ ness of earthly though lawful occupations, are put
 “ into the hands of secular princes, the power
 “ thereof still remaining in the hands of the princes
 “ of the church. Now, that the exercise of the
 “ two swords and of the two laws, is divided between
 “ the secular princes and the princes of the church,
 “ (the power of both always remaining in the latter),
 “ seems to have been signified and illustrated by
 “ Christ himself* : when, knowing that those,
 “ whom he had fed with five loaves and two fishes,
 “ were advancing to make him king, he fled into
 “ the mountain : and again †, when one of the

* John, c. 6, v. 12.

† C. 12, v. 13.

“ crowd, saying to him, ‘ Master, speak to my
 “ brother, that he divide the inheritance with me,’
 “ he refused :—Oh man, he said to him, who has
 “ made me judge over you, to divide your inherit-
 “ ance? For these, he only renounced the act of
 “ reigning and judging in temporals, not the royal
 “ and judiciary power itself ; seeing he was truly,
 “ and by nature, king and judge of all creatures,
 “ whether in heaven or in hell, or on earth. And
 “ herein, Christ signified that, in the law of grace,
 “ the princes of his church ought not actually to
 “ exercise any judgments of severity in temporal
 “ concerns, though the power and authority thereof
 “ be vested in them ; and secular princes derive
 “ from their power, the exercise of such judgments.
 “ The laws, therefore, of temporal princes ought
 “ never to go against the divine or ecclesiastical
 “ laws ; nor in the use of the sword, should the
 “ secular prince resist Christ or his church. When
 “ he does, he is convicted of disobedience to his
 “ father Christ Jesus, who hath begotten him by
 “ the word of his truth ; and to his mother the
 “ church, who hath brought him forth by the sacred
 “ fountain of baptism. Consequently, (according
 “ to Ecclesiasticus *,) he is infamous, because he
 “ hath deserted his father ; and he is accursed of
 “ God, because he hath exasperated his mother ;
 “ and his very foundation shall be rooted up, ac-
 “ cording to what is written in the same book †,
 “ ‘ The mother’s curse rooted up the foundation.’

* Eccclus. c. 3, v. 18.

† Ibid. v. 11.

“ If these secular princes and judges would escape
 “ this malediction, let them acquiesce in the wisdom
 “ of Solomon, where he saith *, ‘ My son listen to
 “ the instruction of thy father, and forsake not the
 “ law of thy mother, that grace may be added to
 “ thy head, and a chain of gold to thy neck.’
 “ Now, whose instruction doth he so carefully en-
 “ join us to hear, and whose law doth he bid us
 “ beware of forsaking, but those of God our Father,
 “ and of the church our mother? For, how can he
 “ enjoin us not to forsake the law of our carnal
 “ mothers, seeing these latter, though empresses
 “ and queens, have not a power to make laws?

“ It being therefore evident, from so many
 “ testimonies, that secular princes and judges can
 “ neither frame laws contrary to the law of God,
 “ or the ordinances of the church, nor execute those
 “ already framed against them, without rebelling
 “ against God their Father, and their holy mother,
 “ the church, to their own eternal damnation, and
 “ to the forfeiture of their temporal administration,
 “ it behoves you, who are admitted to the king’s
 “ familiarity, to share his judiciary power, as you
 “ regard the king’s eternal salvation and your own
 “ obedience and union with the holy roman-catholic
 “ church, to labour, by all possible means to reform,
 “ upon the model of the divine and ecclesiastical
 “ law, all the laws contrary thereto, which have
 “ hitherto prevailed in the king’s courts, to the
 “ dishonour and injury of the eternal king; and to

* Proverbs, c. 1, v. 8.

“ resolve, for the future, manfully to oppose the
“ making and the exercise of all such, so to rescue
“ our lord the king, yourself, and other secular
“ judges of the realm, from the burnings of eternal
“ fire.”

We have inserted this passage at length, that the reader may see from it the state of the ultramontane doctrine in the middle ages respecting the spiritual and temporal power of the ministers of the church,—and how it was exhibited and proved by one of its ablest and wisest defenders*. This statement of the sentiments of Grossetete will not, we believe, raise him in the opinion of many of our readers: but we must observe, that, by confining the whole power of the ministers of the church to concerns merely spiritual, and by denying to them a right to the personal exercise of temporal power, the notions of the prelate fell very short of the higher flyers of those times; as these ascribed to the pope both supreme spiritual and supreme temporal power, and a right to the personal exercise of both, as well in temporal as in spiritual concerns. Compared with these extravagances, the system of Grossetete is moderate, and approaches to, what we shall notice in a future page, as the more qualified, yet still reprehensible system of cardinal Bellarmine. The advance to truth is

* It is translated from the prelate's letter to Raleigh, the 23d in Browne's collection (*Fasciculus*, vol. ii. p. 320). The same opinions and mode of argument are expressed, by John of Salisbury, (*Polycraticon*, lib. iv. and 1, 2, and 3); see Ceillier, tom. 23, p. 273.

slow ; but every step to it, however small, is important, and a benefit to posterity.

Great good sense, spirit and method, appear in the letters of our prelate ; the diction of them is nervous, but inflated, and, though they abound in classical allusions, the style is that of the times. The incessant introduction into them of scriptural phraseology, is very displeasing.

The same remarks may be applied to the letters, which form the correspondence of St. Thomas of Canterbury. This deformity of their style would be less surprising, if the writers had been strangers to the Latin authors of antiquity : but we see that they were familiar with many of their works. Even the Latin translation of the Bible, which they heard and read every day, should have led them to a simpler and purer style.

VIII. 4.

Contests between bishop Grossetete and the Crown.

OUR prelate's first contest with the crown turned on the legitimation of children born before marriage, by the subsequent marriage of their parents,—a point, which became soon afterwards the subject of a memorable legislative proceeding of the British parliament.

This legitimation is admitted both by the civil and canon law : in the former, by a rescript of the emperor Constantine, adopted by the emperor

Justinian : in the latter, by a constitution of pope Alexander III, in 1160 : but, in both laws, it is allowed to extend to those cases only, in which, at the time of the marriage, it was lawful for the parents to intermarry. It prevails at this time, but with different modifications as to its effects on civil rights, in France, Germany, Scotland and Holland.

It never was received into the law of England : this is generally ascribed to the notions, which the Saxons, as all other nations of German origin, entertained of the honour and purity of the marriage tie. On the promulgation of the papal constitution of Alexander, the ecclesiastics sought to introduce its provisions into the jurisprudence of England. On this occasion, bishop Grossetete addressed a letter to William de Raby, his intimate friend, then judge of the Prerogative Court of Canterbury : he discusses the point, at considerable length, and concludes in its favour. Raby replied in defence of the municipal law, and the bishop received orders to conform to it, from the king in council. He demurred, and with other prelates, endeavoured to persuade the council, held at Merton in 1236, to adopt the provisions of the canon law : “ But all the earls and barons,” saith the Parliament Roll, “ answered, with one voice, that they would not admit the laws of England, which, till then, had been used and approved of, to be changed.” This, the writers on the constitution of England always mention, as a memorable instance of the national jealousy of the civil and canon law, and the firmness of our ancestors, even when the papal

power was at its height, in opposing foreign innovations.

Bishop Grossetete had other contests with the crown :—one, on the right of royal interference in the elections of bishops and other ecclesiastical dignitaries ; one, on the immunities of the clergy, which always found in him a zealous and an able advocate ; and one, on the employment of ecclesiastics in secular offices. These, he contended, the crown could not conscientiously impose on the clergy, or the clergy conscientiously accept : in this, he succeeded, so far as to procure a special mandate from Rome, in virtue of which, he promulgated a diocesan statute, which, “ forbade all “ ecclesiastics, and all in holy orders, to exercise “ secular employments in future.”

While the council of Merton was sitting, he drew up, under eighteen distinct heads, a general list of the grievances, under which the church laboured, and presented them to the council *.

But his great contest with the crown respected the right of the state to impose subsidies on the ecclesiastical body, without its consent. At a meeting of the clergy in 1244, his majesty presented himself to them, and with threats demanded a subsidy. The prelates intimated an unwillingness to grant it : some, however, began to yield : “ but “ stout Lincoln,” says the historian †, “ cried out “ aloud, let us not be divided ; if we are divided, “ we are lost.”

* Ann. Burton, p. 396.

† Matthew Paris, p. 849. Ann. Burt. p. 382.

In 1252, the king, in a parliament then sitting in London, demanded, by virtue of a papal mandate, a tenth of all ecclesiastical revenues, according to a new valuation. "Do you think," exclaimed the bishop of Lincoln, "that we shall submit to this wretched exaction?"—"Father," said the young bishop of Winchester, "what shall we do? the king pulls; the pope hauls: and our French brethren have granted such a subsidy."—"This," replied Lincoln, "is the very circumstance, which should induce us to oppose it. Two acts make a precedent; let us not be the authors of the precedent now sought to be established." The advice was taken, and the demand avoided: but it was renewed in the following year. This produced an able letter from our prelate to St. Edmund, his former primate, who had recently resigned the archbishopric of Canterbury. The subsidy, however, was granted, but it was accompanied by a requisition for the redress of grievances. This the clergy presented to his majesty by a deputation, consisting of Boniface, the uncle of the queen, who had succeeded St. Edmund in the see of Canterbury; by William, bishop of Sarum; Sylvester, bishop of Carlisle, and Aylmer, bishop of Winchester, the king's half-brother. "I am sorry," the king said with a sneer, on receiving it, "for all the transgressions of which you complain; I shall take care to correct what is past, and to avoid the like for the future; and in this, I beg your concurrence.—It was in the very manner, of which you now complain, that I promoted you, Boniface, to

“ the see of Canterbury ; you, William, from the
 “ lowest degree, to the see of Salisbury, and to the
 “ honour of being my secretary and chief justice ;
 “ you, Sylvester, from being a little clerk in chan-
 “ cery, to the see of Carlisle ; and you, brother
 “ Aylmer, in spite of the monks, and your want
 “ both of age and science, to Winchester. Surely,
 “ it is not less your duty than mine, that you should
 “ take the lead in the redress which you pray for,
 “ and resign your offices.” The prelates could only
 reply that the petition regarded not the past, but
 the time to come.

It is observable, that, though in the controversies
 which have been, and in others, which might be
 mentioned, the bishop of Lincoln took an active
 part against the king, yet he preserved through life,
 both the reverence and the regard of the monarch,
 of his family, and of the principal nobility. No place
 was thought so proper for the education of the royal
 or the noble youth of his times as his episcopal
 palace.

VIII. 5.

Contests between bishop Grossetete and the Popes.

“ WE are now entering,” says doctor Perry in
 the manuscript, which we have mentioned, “ upon
 “ the most remarkable, as well, as upon the most
 “ delicate ; and we may add, the most glorious part
 “ of the bishop of Lincoln’s life: viz. those con-
 “ troversies, which he had with the head of the

“ church, and wherein, like another Paul, he resisted Peter’s successor, or his officers in the see : but then, if it was with the zeal and courage of St. Paul, it was also with a like humility and respect for his superior.”

In a former page, we have mentioned the demand of pope Gregory IX, that the English hierarchy should provide certain Roman ecclesiastics with benefices. This was accompanied with a tax on every spiritual benefice in England. The proportion of it, which was to be raised on the diocese of Lincoln, amounted to 600 marks : the bishop generously eased his clergy from contributing towards it, by advancing the whole sum. Unfortunately, all the collection, and the legate Otho, the bearer of it, fell into the hands of the emperor, with whom the pope was then at war. The death of Gregory discharged the obligation of providing for the Romans. His holiness was succeeded by pope Celestine, a prelate commendable for piety and learning. He survived his election only eighteen days, and was succeeded by pope Innocent IV, who was elected at Lyons, about Midsummer 1243.

A council being called in that city, our prelate repaired to it, and was honourably received. The council held its first meeting in 1245 ; and the first measure of the meeting was to excommunicate and depose the emperor Frederick. The sentence was pronounced by the pope, and confirmed by the prelates, holding lighted torches in their hands : it was committed to writing, was subscribed by all the prelates, and sealed with their seals.

Soon after this deplorable exhibition, the bishop of Lincoln returned to England: charged with three commissions from the pope,—one, by which his holiness recommended to the archbishop of York, the cause of the bishop of Servia, who had been banished by the emperor Frederick, for adhering to the pope in the contests between them; one, by which our prelate was enjoined to confirm his sovereign in his attachment to the holy see; and one, by which he was charged to raise one subsidy for his holiness, and one for Boniface the archbishop of Canterbury. When he executed the second of these commissions, the monarch made him a firm and temperate reply, in which, while he professed great devotion to the see of Rome in spirituals, he asserted in the most explicit terms, the independency of the crown upon the pope in all temporal concerns. In the third commission, other prelates were joined with Grossetete, and they all reluctantly acted in its execution. A further subsidy being still required, and the diocese of Lincoln being assessed 6,000 marks towards its discharge, the bishop declared it to be an intolerable exaction, and declined to make the advance; but the assessment being afterwards modified, with the assent of the lords and commons, the bishop then contributed his quota.

The general alienation of the public mind from the court of Rome in consequence of these exactions, and the tendency of them to produce that defection which took place at a subsequent period, are described by Matthew Paris* in forcible terms. The

* P. 865.

reader will do well to compare them with the observations made by cardinal St. Julian*, at a time much nearer to the reformation, which we shall transcribe in a future part of this work.

When the Wickliffites and the other separatists from the see of Rome disturbed the church and state, in the following century, the predictions of our prelates, (as those of the celebrated Thaulerus and other distinguished personages of those times), were venerated as prophecies: but this was unnecessary: in these eminent men,

“ Old experience did attain

“ To something like prophetic strain”—

MILTON;

and enabled them to foresee the consequences of the scenes which shifted before them.

The demands of pope Innocent IV. and his officers at length rose to such a height, as made our prelate think resistance to them a necessary duty. What principally excited his indignation, was the amount of the ecclesiastical revenues possessed by foreign beneficiaries. Upon a computation, which he caused to be made of them, he found that Innocent IV. alone, had impoverished the English church more, than all his predecessors†; and that the yearly income of the foreign beneficiaries amounted to

† Hist. des, Variations, lib. i. s. 1.

‡ M. Paris, 858–859.—The same author, (p. 579,) mentions that the annual income of Henry did not exceed 40,000 *l.* or 26,336 *l.* 13 *s.* 4 *d.* But he informs us that the revenue of William the conqueror amounted to 387,000 or 258,000 marks. All these calculations appear questionable.

70,000 marks, above two thirds more, than the real revenues of the crown *.

Under the impressions suggested by his reflections on these and other circumstances, which have been mentioned, our excellent prelate, being then nearly in the eightieth year of his age, crossed the sea once more and presented himself to the pope at Lyons. Having transacted his other business, he placed in the hands of his holiness, two remonstrances ;—one, against the abuses of the papal administration, particularly the excess of the provisions required for the foreign clergy, and the exemptions from episcopal jurisdiction, too frequently granted by the popes to religious houses ; and one, against the exactions of the archiepiscopal see of Canterbury. The remonstrances were presented at a private consistory of select cardinals. We are not apprised what the feelings of the pope were on receiving them : but his holiness certainly exhibited no exterior symptom of displeasure, and the usual intercourse continued between them.

But, in 1253, pope Innocent directed a letter to our prelate ordering him to provide Frederick de Lavinia, the nephew and secretary of his holiness, with the first prebend in his cathedral, which should fall vacant. Here, the prelate made his stand : he addressed a letter to the archdeacon of Canterbury, and to the pope's secretary, in which, after shewing the unfitness of foreigners to discharge parochial or any other spiritual duty in England, and after expatiating on the wickedness of persisting in a measure

* Pegge, 194.

so ruinous to the souls of the faithful, he concludes by saying, that, "the holy see can do nothing, but
 "for edification: that it is the plenitude and per-
 "fection of her authority, to do all things for edi-
 "fication: now, these provisions, as they are termed,
 "are not for edification, but for manifest destruction;
 "therefore, they cannot be issued out, or enjoined
 "by the blessed see apostolic. No! flesh and blood,
 "which cannot inherit the kingdom of God, have
 "inspired them; not the Father of our Lord Jesus
 "Christ, who is in heaven*."

That the pope was extremely offended by this letter, is certain: and it is said by some authors that he proceeded so far as to excommunicate Grossetete: but, as Mr. Lingard justly observes, "this rests on
 "very questionable authority;" and the opinion of it probably arose from the "comminatory denun-
 "ciations in the provision, which had been rejected†." Doctor Perry, in his manuscript life of the bishop, weighs the conflicting authorities, and, on grounds, which appear conclusive to the present writer, decides for the negative. He cites from the works of our prelate many passages which make it clear, that, though in matters of discipline he occasionally defended with firmness the rights of the British church against the papal claims, he acknowledged, in all

* There are many printed and manuscript copies of this letter; the best edition of it, is in Browne's *Fasciculus*, vol. ii. p. 400. Mr. Browne supposes that it was addressed to the pope himself, and not to his delegates. Dr. Perry thinks it was addressed to the latter.

† Hist. vol. iii. p. 385, note 171.

cases in which faith or morals are concerned, the supremacy of the mother and mistress see, and the duty of obedience to the spiritual legislation entrusted to her, in the person of Peter, by Christ.

On the receipt of the letter, which we have mentioned, the pope felt and expressed the strongest indignation; and, if we believe Matthew Paris, "called the bishop a deaf and doating old fellow: "swore, by St. Peter and St. Paul, that, if it were "not for his own good nature, he would make him, "the fable and scorn of the world; and asked, if "the king of England was not his vassal, ready at "his beck to imprison and disgrace the prelate." The same author adds, "that several of the cardinals, particularly one Gyles, a Spanish cardinal, "then in his eightieth year, and of prudence and "integrity equal to his years, endeavoured to pacify "his holiness, saying to him, holy father! it would be "nowise expedient to decree any thing against this "bishop; for to be plain with your holiness, he has "written nothing but the truth; nor is he liable to "censure: he is a catholic, and a most holy prelate; "by far more religious than we are; and of such "an eminent life, that he is thought not to have his "superior or even his equal, in the whole episcopal "body. This is a point notorious to the French and "English clergy. Nor could our opposing him be "to any purpose; the truth contained in this letter, "would probably be made known to many, and "would only raise against the apostolic see a host "of enemies. For this prelate hath the reputation

“ of being a great philosopher, an able linguist,
 “ perfectly skilled in Latin and Greek, a zealous
 “ asserter of justice, a professor of school theology,
 “ a preacher and instructor of the people, a lover
 “ of chastity, a persecutor of simony.”—The cardinal concluded by advising his holiness “ to wink
 “ at the letter as he wished to avoid disturbance,
 “ and say no more upon it, especially as it was well
 “ known that the separation must one day come *.”
 The same advice was given to his holiness by the other cardinals.

His holiness seems to have followed their advice ; he refrained from harsh measures, and promulgated a moderate and conciliating document, which soothed the angry spirit of the time.

VIII. 6.

Death of bishop Grossetete.

THE dangers of the church dwelt much on the mind of our prelate. Almost in his last moments, he exclaimed against the measures of Innocent ; and predicted their consequences. “ For now,” says Matthew Paris, “ he began to feel in his mind, “ the great tribulation, which threatened the “ church, but which we did not then foresee.” The historian relates at length the discourse, which

* A remarkable expression, similar to some which we have noticed in this chapter.

while he lay on his death-bed, our prelate held on this important topic.

He died in October 1253, universally beloved and respected ; and, if we should believe M. Paris, God gave immediate testimony of his having been received into eternal happiness, by miracles wrought through his intercession. The fame of these, and the general opinion of his sanctity, were so prevalent throughout the realm that, within fifty years after his decease, four solemn applications were made to Rome for his canonization : the first, by the university of Oxford ; the second, by John le Romaine, archbishop of York ; the third, by William Grenfield, archbishop of the same see ; the fourth, by the dean and chapter of St. Paul's in Lincoln. All were unsuccessful : " still it is true," as doctor Pegge * justly observes, " that, for his " learning and abilities, he is still valued and revered " in the breasts of all reasonable men." From the time of his decease, till the period of the reformation, he was generally known by the appellation of "*The holy Robert of Lincoln.*"

" *The holy bishop Robert,*" says Matthew Paris †, " departed out of this world, which he never loved, " and which was always to him as a place of banishment. He was the open reprover both of my lord " the pope and of the king ; the censurer of prelates, the corrector of the monks, the instructor " of the clergy, the supporter of scholars, the " preacher to the laity, the punisher of inconti-

* P. 219.

† P. 376.

“ nence, the diligent investigator of various writings, and lastly, he was the scourge of the lazy and selfish Romans, whom he heartily despised. In the supply of the temporal table, liberal, copious, polite, cheerful and affable ; in the spiritual table, devout, humble and contrite ; in the episcopal office, diligent, venerable and indefatigable.”

CHAP. IX.

A GENERAL VIEW OF THE STATE OF LITERATURE DURING THE MIDDLE AGES.

TO complete the succinct view, which we have attempted to give, in the preceding pages, of some of the principal events in the history of religion in England before the reformation, it appears advisable that we should add to them some historical minutes of the state of English literature during the same period :—they will be preceded by some observations on the literature of Greece and Rome, which the subject naturally suggests.

IX. 1.

The Literature of Greece.

THE arts and literature of Greece attained their summit in the reign of Alexander the great. Her first authors were her poets : their fables and tra-

ditions seem to have contained all her religion, all that was known of her early history, and all the rudiments of her morality : they seem to have fixed her language, and, what is much more surprising, to have settled the principles of literary composition for every age. The poetry of the Greeks was generally sung; thus *music* was at once their earliest and most popular science. Their *historians* followed; then their *orators*. From the importance and celebrity, which they derived from their harangues, these gave rise to the *rhetoricians*, or those, who professed to teach the science of public speaking; and to the *dialecticans*, the teachers of an humbler rhetoric. But, long before any of their *historians* or *orators* of distinction had appeared, their scientific men and moralists, first, under the appellation of *sophists* or wise men, and afterwards under that of *philosophers* or lovers of wisdom, attracted public notice. The former addicted themselves to the study of nature; those, whose pursuits led them to observe the heavens, were called *astronomers*; the observers of the earth, were called *physicians*; *geometry* was subservient to both. Socrates called the attention of man to himself: to reason and act rightly, were, in his estimate of knowledge, the principal objects of man. For the former, his disciples formed rules of *logic*, for the latter, rules of *morality*. The *painters*, *sculptors* and *architects* of Greece were coëval with her *orators*. In every art and every science *grammar* and *arithmetic* necessarily had their part.

IX. 2.

The Literature of Rome.

ALL the useful and ornamental knowledge and acquirements of the Greeks were diffused over Asia and Egypt, by the Macedonian princes ; and, when Greece submitted to the arms of Rome, all were transplanted to the territories within her pale. “ Even Britain,” Juvenal contemptuously exclaims, “ now talks of hiring a professor of rhetoric.”

But, in addition to these spoils of Greece, the Romans possessed, in a high degree of excellence, a science, which, though it conduces more than any, to public and private happiness, had been totally disregarded by the Greeks. To them, *jurisprudence*, as a liberal science, was unknown : their legal instruments and forensic proceedings were drawn up by a description of persons in little estimation among them, called *pragmatists* or practitioners ;—but the knowledge of the laws of their country was never followed by them as an occupation conferring importance and celebrity. Among the Romans, *jurisprudence* was always highly esteemed ; it was studied on the most liberal principles, professed by the most distinguished persons, and led to the highest honours of the state.

The practice of *physic* was highly esteemed in Greece ; but Dr. Middleton has invincibly shewn, against Dr. Mead, that, whatever celebrity might be acquired by individuals, the profession of medicine was not of great repute among the Romans.

With the reign of Trajan, the *golden age* of Roman literature expired : its *silver age* continued till the end of the last of the Antonines. This produced several works of elegance and taste ; but, as Mr. Gibbon, whose authority on the subject is certainly great, observes *, “ if we except the inimitable Lucian, the age passed away without producing a single writer of genius, who deserved the attention of posterity.” This decay of genius among the Romans is usually attributed to the establishment of the arbitrary power of the emperors, which, it is said, depraved the talents of their subjects. Yet Mr. Gibbon himself observes, that Longinus, who lived at the close of this era of Roman literature, possessed the spirit of ancient Athens ; and that in its *age of brass*,—to which we may assign the period between the reign of the last of the Antonines, and the final division of the Roman empire,—the poet Claudian acquired “ the absolute command of the Latin language, soared above his contemporaries ; and placed himself, after an interval of 300 years, among the poets of ancient Rome †.” In this period also Ammianus Marcellinus produced an history of an interesting era of the Roman empire, which, for good sense and impartiality, will not suffer in comparison with any former Greek or Latin historian.—With the invasion of the barbarians the *iron* or last age of Roman literature began ; with the extinction of the empire of the west, it expired, and a *base and discoloured age* commenced.

* Vol. i. ch. 2.

† Vol. iii. p. 30.

IX. 3.

The effects of the Invasion of the Barbarians on Literature.

THE general effect of this irruption on the Roman empire cannot be described better than it is by Dr. Robertson in his introduction to the Reign of Charles V, and in the first pages of his History of America.

The barbarians assaulted the empire on every side : without distinction between what was sacred and what was profane, without respect for age or sex, they destroyed or ravaged all around them. In this general wreck, the arts, the sciences, all the inventions and discoveries of the Romans disappeared. The knowledge of remote regions was lost, their situation, their commodities, and almost their names were forgotten.

By degrees the fury of the invaders subsided : but, at first, this was attended with no advantage : the human mind neglected, enervated and depressed, sunk into the most profound ignorance : and the lamp of science seemed extinguished in every part of the western empire.

IX. 4.

Vol. I. c. 1. s. 1 & 2. p. 2 & 4.

Probable exaggeration of the Ignorance and Superstition of the Middle Ages.

IX. 5.

*Vol. I. c. 1. s. 3. p. 6.**Probable revival of Learning, at an earlier period than is usually supposed.*

CHAP. X.

Vol. I. c. 2. p. 15.

THE PRELIMINARIES OF THE REFORMATION.

WE must now introduce our readers to the separatists from the church of Rome during the middle ages; the principal of them were the Waldenses, the Albigenses, the Wickliffites and the Lollards: both catholics and protestants agree that their systems and conduct led to the reformation. With their history, some canons of the fourth council of Lateran, the establishment of the inquisition, and the proceedings of the council of Constance against John Huss, are connected, and in almost every controversy between catholics and protestants fill an ample space. We shall attempt to give a succinct account of them: then mention some remarkable publications, which shew the general state of the public mind during the period, which immediately preceded the reformation.

X. 1.

The Waldenses.

THE separations from the church of Rome, which we have noticed, began with the Waldenses. These most probably derive their origin from Peter Waldo, a rich merchant of Lyons, who, about the year 1160, from an impulse of devotion, converted all his property into money, and distributed it among the poor. He was followed by many; they were called "The poor men of Lyons." In imitation of the apostles, they began to preach and instruct: they wore a particular kind of sandal, and had other singularities. They were reproved by the clergy; the pope enjoined them silence; but they persisted in their practices, and applied to his holiness for an approbation of their institute:—judging it to be irregular and, in some instances, superstitious, the pope rejected it.

They then proceeded to further excesses: they affirmed, that the church had failed from the time of St. Sylvester, by possessing temporalities; that it was unlawful for ecclesiastics to hold estates or prebendal possessions; and that, like the apostles, they ought to work with their hands; that no tythes should be paid to them, and nothing bequeathed to churches; that bishops, by tolerating wars, were accessory to the murders which they occasioned, and themselves became murderers; that it was not lawful to swear, even in a court of judicature; that both the temporal and the spiritual process of ecclesiastical court was unjustifiable; that there was no

foundation in scripture for purgatory, prayers for the dead, the observation of festivals, the invocation of saints, the veneration of images, crosses, or relics; that any sacrament, administered by a priest in sin, was null. They did not deny transubstantiation, but their doctrine respecting it was erroneous in some respects. They rejected the canon of the mass, and recited, in the vulgar tongue, the words of consecration. They taught that all men are priests.

Such were the principal tenets of the Waldenses : they spread over the Narbonnese Gaul, and thence, over certain vallies in Piedmont ; in these, they were very numerous *.

* This account is taken from Mr. Alban Butler's *Lives of the Saints* (*Life of St. Dominic*, Aug. 4, note 6). He extracts it from the writings of Rainerius Sacho, (who, from a minister among the Waldenses, became a catholic, and afterwards entered into the order of St. Dominic in 1250) ; and from Poliedorfius, who wrote against the Waldenses about a century afterwards : both give the same history of their origin, and the same account of their errors.

Soon after the reformation, a curious correspondence took place between the Waldenses and Oecolampadius : it is inserted in Scultet's "*Annales Evangelii renovati*," (*Hist. Lit. Reformationis*, p. 160). The consequence was, that soon afterwards Calvinism was established in Geneva : it was embraced by the Waldenses ; but they retained with it a considerable part of their discipline.

The massacres of them at Merendole and Cabrieres in the reign of Francis I, were most atrocious ; but when these are mentioned, the humane and truly christian conduct of cardinal James Sadolet, bishop of Carpentras, towards the unhappy sufferers, should never be forgotten. A valuable *History of the Waldenses*, (2 vols. 8vo. now in the second edition), has recently been published by Mr. Jones.

X. 2.

The Albigenses.

THE Albigenses were a sect totally distinct from the Waldenses. It is known to every learned reader that Manicheism was an attempt of Manes, a native of Persia, to engraft upon the Gospel, the Persian system of the two principles, one eternally and sovereignly good, the other, eternally and sovereignly evil. The soul and whatever is derived from it proceeded from the former, the body and whatever was derived from the body, proceeded from the latter. To this, marriage and the use of animal food belonged. They rejected all the Old Testament, the Acts of the Apostles, the Epistles, and the Apocalypse, and thus retained no more of the Bible, than the four Gospels. They condemned war, except for necessary defence, and attributed the institutions of government to the evil principle*.

After the death of Manes, his European followers retreated into the East. They returned into Europe about the beginning of the ninth century, and, during that and the following centuries, spread themselves, under the various appellations of Paulicians, Albigenses, Popelicans, Bogards and Brethren of the Free Spirit, into several sects equally hostile to church and state,—their reprobation of marriage leading

* See Mr. Alban Butler's *Lives of the Saints* (*Life of St. Augustine*, Aug. 4, note 1). No work perhaps contains a more complete account of the Manichean heresy.

to general incontinence, and even to worse excesses; their origination of government in the evil principle, shaking the foundations of all civil polity.—They reached England towards the middle of the twelfth century, but were rejected by public indignation.

They were more successful on the continent. Their first European settlement was in Bulgaria; numbers of them found their way, in the armies of the emperor Frederick, into Italy; and thence penetrated into Provence, Languedoc and Gascony; their principal establishment was in the neighbourhood of Castres, which territory had been called the *Albigensis* since the fifth century: from this, they received their modern appellation. In 1022 several persons of distinction, who professed their principles, were discovered at Orleans; two canons of the cathedral church, who were considered to be their leaders, were burned; other executions followed; but the sect increased; they gained over to it the greater part of the inhabitants of Languedoc, and Raymond count of Toulouse, marquis of Provence and duke of Narbonne, placed himself at their head.

The papal throne was filled at this time by Innocent the third; he sent missionaries into Languedoc to reclaim the heretics; but they met with little success, and some were massacred. The Albigenses then proceeded to greater excesses, and the pope published a crusade against them. The first successes of the crusaders forced the count of Toulouse into submission; the crusaders proceeded to Beziers, and put all its inhabitants to the sword;

thence, they marched to Carcasson, and its inhabitants only avoided the same fate, by evacuating the town. After these exploits, the crusaders chose Simon, the seventh count of the illustrious house of Montfort-Amauri for their general. Under his command, they succeeded in most of their enterprises. The count of Toulouse breaking his engagements, they declared war against him, and in 1215, the city of Toulouse surrendered to them, and the pope, with the unanimous consent of all the chiefs of the crusading forces, conferred on Simon de Montfort their general, the administration of the county of Toulouse, the duchy of Narbonne, and all the other states of count Raymond, to be held by feudal service of the king of France. Historians are agreed that the crusaders were guilty of the greatest excesses in the prosecution of this war. "In Languedoc," says Mr. Alban Butler *, "the crusaders exercised cruelties and injustices, which no principles could justify. Crimes and seditions are not to be punished or revenged by other crimes : avarice, ambition, or revenge, in many, only covered themselves under a cloak of zeal for religion."—The king of Arragon supported for a time the falling fortunes of the count of Toulouse ; but the count de Montfort with an handful of men defeated the Arragonese army : the monarch, who commanded them in person, perished in the field. The count de Montfort then solicited from the pope, the investiture of the county of Toulouse

* Life of St. Dominic, note 6.

and the other possessions, which, on the delinquency of count Raymond, had been committed to his administration.

X. 3.

Council of Lateran.

THE request of the count de Montfort was referred by the pope to the council of Lateran, which by a letter circulated over every part of christendom, his holiness had convened to meet at the patriarchal church of St. John at the Lateran gate in the city of Rome*. It was attended by 412 prelates, among whom were the patriarchs of Constantinople and Jerusalem, and by 71 primates or metropolitan prelates; by 800 abbots or priors; and by a considerable number of deputies from absent dignitaries. Frederick, the emperor elect of Germany, the emperor of Constantinople, the kings of England, France, Hungary, Jerusalem, Cyprus and Arragon, and several princes of the second order attended it by their ambassadors. The pope presented to the council seventy canons, which he had caused to be framed. The first, is a profession of faith, containing several counterpositions to the errors of the Albigenses, and a denunciation of anathema, against all the heresies, which it pro-

* Being the fourth council held in this church, it is usually called the fourth council of Lateran.—It is considered by roman-catholics to be the eighth œcumenical or general council.

scribed. The third canon orders that, "heretics shall, after their condemnation, be delivered over to the secular powers. The temporal lords are to be admonished, and, if it should be found necessary, compelled by censures, to take an oath, in public, to exterminate heretics from their territories. If the temporal lord, being thus required and admonished by the church, shall refuse to purge his land from heretical pravity, he shall be excommunicated by the metropolitan and his suffragans; on his neglect during twelve months, to give them satisfaction, this shall be certified to the pope, and upon such information his holiness shall denounce the offender's vassals to be absolved by law from their obligation of fealty, and expose his land to be occupied by catholics; who, having exterminated the heretics from it, shall possess them, without any contradiction, and preserve them in the purity of the faith,—saving however, the right of the superior lord, provided that he raise no obstacle to impede the proceeding. The same method of discipline is likewise to be observed towards those, who have no superior lord."

Such is this celebrated canon :—the advocates of the divine right of the pope to the deposing power, and the adversaries of the roman-catholic faith are alike ready to bring it forward, as a solemn and explicit acknowledgment by a numerous and illustrious assembly, congregated from every part of christendom, and representing all its ecclesiastical and temporal powers, of the direct right of the

pope to depose princes for heresy, and to punish by confiscation the person convicted of it.

Leaving to the transalpine divines, the defence of the canon, if such be its real import,—catholics in general either reject it altogether or construe it differently.

In the first place *, they assert the canons were not decreed by the council, but merely propounded to it by pope Innocent for discussion, and that the members separated, without coming to any specific resolutions upon them. In support of this assertion, they cite several authorities : Matthew Paris in particular, who says, that “ the canons were proposed by the pope, and appeared pleasing to some “ and burthensome to others.” They also appeal to the language itself of the canons, which sometimes refer to the council, as a council previously held. 2dly, They contend, that the particular canon, which we have mentioned, is an interpolation, as it has not been discovered in any ancient manuscript †. 3dly, They observe, that the proceedings of the council had the concurrence of the civil powers, and so far as they related to temporal concerns, derived their authority and effect from the sanction, which these gave them, either by their ambassadors, or by subsequent confirmation or acquiescence ‡. This,

* See Du Pin, de Antiquâ Ecclesiæ Disciplinâ, p. 571. Collier's Ecc. Hist. book ii. p. 424.

† This is acknowledged by Collier, loc. cit.

‡ This is Bossuet's interpretation of the proceedings of the council.—See his *Defense de la Declaration du Clergé de*

they observe is evident from the conduct of the emperor Frederick:—Pope Honorius who succeeded Innocent requested him to insert the canon against heretics in the constitutions of the empire ;—this, they contend, is an evident acknowledgment by the pope himself, that, without the sanction of the emperor, the canon would have no temporal effect in his dominions. The emperor, in compliance with this request, inserted it in the constitutions, but with this important alteration, that he reserved to himself the power of disposing of the forfeited fees which the council had assigned to the pope *. 4thly, Admitting, however, the authenticity of the canon, and that it cannot be defended on the ground which has been suggested, still, say the advocates of the catholics, it was not a dogma of faith, or propounded as such by the council ; it was merely an ordinance of exterior discipline, which had no force upon individuals, till received by the ecclesiastical power in what concerns the church, and by the civil power, in what concerns the state †. 5thly, Advancing still higher, they assert, that whatever the council understood or intended by the canon, its provisions, so far as they respected the forfeiture of the property of the heretics, related to a

France, lib. iv. ch. 1, 2, 3, 4,—où on démontré par l'histoire que l'église ne faisoit rien à l'égard des seigneurs et des affaires temporelles que de concert avec les princes et de leur consentement.

* Goldastus, Const. Imper. tom. ii. p. 295.

† Dr. Milner's fourth letter to a prebendary.

temporal concern, and therefore did not fall within the jurisdiction committed by Christ to his church ; so that, as acts of ecclesiastical power, they were absolutely null.

We have mentioned the application of Simon de Montfort to Innocent III, for the investiture of the county of Toulouse, and that his holiness referred it to the council. After a long deliberation, the council conferred on him the county, and the other possessions, the administration of which had been granted to him by the pope, but under the obligation of holding them as a fief from the king of France.

The war continued ; and Raymond, the son of the count of Toulouse, recovered that city, and, having made his peace with the church and his sovereign, obtained a restoration of all his possessions. From this time, the cause of the Albigenses declined : they lost their distinctive name ; their Manichean doctrine of the two principles seems to have been forgotten, but their aversion to constituted authorities in church and state pullulated in other sects.

X. 4.

The Inquisition.

A LAW of the emperor Theodosius ordered the prefect of the Prætorium of the east, to appoint inquisitors of persons suspected of Manicheism. In 1184, pope Lucius, at the council of Verona,

ordered bishops to inquire personally, or by commissioners, for heretics,—distinguishing them into four classes, the suspected, the convicted, the penitent, and the relapsed. On the appearance of the Albigenses in the Narbonnese Gaul, in the beginning of the thirteenth century, pope Innocent III. commissioned several ecclesiastics, among whom was St. Dominic, to make these perquisitions; at the council held at Toulouse in 1229, by Romanus, cardinal of St. Angelo, a legate of the pope, the inquisitors were put under certain regulations; the institution was finally organized by a bull of pope Innocent IV, and entrusted to the Dominicans. It has been received in the papal dominions; in Venice, Tuscany, Spain and Portugal, and in some of the foreign settlements of the two last of these states: it was never received in England, Ireland or Scotland, and notwithstanding many efforts of the pope, could not obtain a permanent establishment either in France or Germany. It takes cognizance of heresy, magic, sorcery, Judaism and Mahometanism.

The suspicion of heresy,—under which word we include the other imputations,—is slight, vehement, or violent: against the first, slender contradictory evidence suffices; against the second, the evidence, to be satisfactory, must be very strong; the third, amounts to the highest presumptive evidence, and proof against it, is not received.

A person thus convicted of heresy, either confesses or denies the offence. If he confesses it, and

expresses his repentance, he is condemned to make an ignominious confession of it in public, to be imprisoned, and to fast on bread and water. If he refuses to express his repentance ; or if, having repented, he afterwards relapses, he is delivered over to the secular arm to be burned, in conformity to the provisions of the secular law.

The inquisitor has a promoter-fiscal,—or general accuser,—a secretary, and familiars, or persons armed, who are to apprehend persons accused, and execute the other orders of the inquisitors.

When the person suspected or accused is taken before the inquisitor, he is generally acquainted, that he is charged with heresy, and the inquisitor exhorts him to confess his crime ; but no particular fact is specified, and the person charged is not informed, who is his accuser. He is required to swear, on the crucifix and the Gospels, that he will speak the truth, upon every point, on which he is interrogated. If he refuses to take the oath, his guilt is supposed to be proved. If he refuses it, and denies his guilt, a long interrogatory follows, at the end of which, he is remanded to prison, his confinement being more or less rigid, according to the nature of the accusation, and the circumstances of the case. After some time, the charge is delivered to him, and a lawyer is assigned to him ; but the charge is expressed in very general terms ; he is still kept ignorant of his accuser, and the witnesses against him ; and he is not permitted to hold any conversation with his lawyer, except in the presence

of the inquisitor ; but he is allowed to object to the competency of the evidence of any person, whom he thinks proper to name, and to state the grounds of his objection : on these, the inquisitors are left to exercise their own judgment.—At the end of some time,—and the interval is often long,—he is again brought before the tribunal, and, if the inquisitor considers him to be guilty, he is required to confess his crime ; on his refusal, he is put to the torture, and this is sometimes repeated. Finally, if he is convicted either by his own confession, or by evidence, he is delivered to the secular power, and condemned by them to death, to the gallies, to imprisonment, to a public whipping, or to some other punishment.

So acceptable to God, so honourable in the opinion of man, so useful to the cause of religion, and so serviceable to the state, were these proceedings once considered, that acts of faith, *autos da fê*, or the burning alive of Moors, Jews, or heretics, were heretofore, often publicly exhibited in Spain and Portugal, with every religious and secular ceremony that could render the spectacle awful and magnificent : they were attended by the sovereigns, by their chief officers, a splendid military array, and an immense concourse of people.

Still,—to preserve some appearance of the aversion of the church to the shedding of blood, the inquisitor, when he delivers up the offender, implores in terms of great earnestness, the secular judges to save the lives of the criminals delivered into their

hands :—but this is a mockery of mercy, as excommunications have been denounced against all lay judges, who refuse or delay to execute the laws which condemn heretics to death.

Such is,—or rather such, in its original construction,—was the inquisition.—As a systematic perversion of forms of law to the perpetration of extreme injustice and barbarity, it holds, among the institutions most outraging humanity, a decided pre-eminence. Yet an informed and impartial reader will make some reflections :—I. He will admit that, its crimes have sometimes been exaggerated.—II. While he admires the present equitable and humane administration of criminal justice in England, he will recollect, that, during the middle ages, even in our own favoured country, but still more in the European states on the continent, all criminal process, especially in cases of treason, was conducted by unjust and merciless principles, and executed with circumstances of great cruelty ; —that in all such cases, torture might be applied to extort a confession of guilt ; and that, even in England, it was not, until our own times, that counsel, in cases of treason, was allowed to the prisoner. The founders of the inquisition, especially as the imperial law assimilated heresy to treason, would naturally adopt the system of the secular codes, as a model for their proceedings.—III. He will see reason to suspect, that the number of those who perished by the fires of the inquisition, has not been so great as it has been represented. In the Book of the Sentences of the Inquisition of

Toulouse *, the list of the criminals from 1307 to 1323, fills nineteen folio pages; now fifteen men and four women only of this number were delivered to the secular arm.—IV. He will acknowledge, that Limborch, from whose History of the Inquisition protestants mostly derive their knowledge and form their notions of it, is universally considered to be a credulous and an inaccurate writer.—V. Politics often mixed with religion in the acts of the inquisition, and the sovereigns or ministers who counselled, should therefore share the blame of their proceedings.—VI. From the beginning of the seventeenth century till the present time, the ferocity of the inquisition has always been on the decrease.—VII. Though the popes and sovereigns, and their particular adherents, favoured the inquisition, it was generally as much detested by catholics as by protestants. A gentleman †, whose testimony on this subject every catholic allows to be above contradiction, thus expresses himself on the inquisition.—
 “ No tribunal of an inquisition is an article of catholic faith or practice. It is a human law of policy or state government, in certain countries, which other kingdoms are no less jealous to exclude. It is even odious to an excess, in several catholic kingdoms, and a person may be a very good catholic, and entertain what sentiments he pleases of it.—The inquisition established in

* *Liber sententiarum Inquisitionis Tholozane*, published by Limborch at Amsterdam in 1692.

† Mr. Alban Butler in his “Remarks on the two first vols. of Mr. Bower’s Hist.” 1754, 8vo. p. 12-17.

“ Italy and Spain, makes no term of the catholic
 “ communion, any more than the execution of the
 “ antitrinitarians, who suffered at Geneva, or
 “ under Henry VIII, and queen Elizabeth in
 “ England, constitute a part of the protestant
 “ creed.—The Roman inquisition is certainly one
 “ of the mildest of courts ; and there is no one that
 “ knows it, who would not, in most cases, rather
 “ have his cause tried there, than in any spiritual
 “ court in England. No execution has happened
 “ in it for above a century.—In Spain and Portugal
 “ that tribunal is indeed said to be of a different
 “ nature. But the inquisition in Spain is much
 “ misrepresented, both among the English and the
 “ French, as the sieur de Vairac, the impartial author
 “ of the *Present State of Spain*, (1719), complains,
 “ though himself no friend to any court of that
 “ sort.” VIII. It is very remarkable that, though
 the recent order of the Cortes for its destruction, was
 loudly and with great reason applauded by the libe-
 rales, it gave no pleasure to the Spanish multitude :
 in fact, the inquisition had long served in Spain,
 rather as an aid to the police,—and sometimes, but
 not often, as a political engine in the hands of a
 minister, than as an instrument of hostility towards
 heretics*.—IX. It was always thought by the

* This account of the inquisition is taken chiefly from the
Institution du Droit Ecclesiastique, of Fleury, troisième partie,
 ch. 9, 10. Van Espen, *Jus Ecclesiasticum Universum*, pars i.
 tit. xxii. cap. 3. *Histoire des Inquisitions*, by Marsollier
 Charoine d'Usés, the elegant biographer of St. Francis of
 Sales.

people, to be some bulwark, against the oppressions of them, by the sovereign and the nobility, and some defence against flagrant violations of the national constitution.—X. Finally,—he will admit that the persecutions, which protestants have exercised, not only upon catholics, but even upon other protestants *, have been at least equally severe and unjustifiable.

In the pontifical territories the inquisition is styled the Holy Office. The discovery and destruction of books, which are considered to be dangerous, belongs to its cognizance. By the direction of pope Pius IV, a list or index of these was framed : since that time it has been considerably increased. The proceedings upon it are delegated at Rome, to a congregation of the holy office, which is called, from its object, the Congregation of the Index. When the congregation has condemned a work, and ordered it to be inserted in the list of condemned works, it is said to be put into the Index. The reading of such work is prohibited under pain of excommunication, and other severe penalties ; but the jurisdiction of this congregation is submitted to in those countries only, in which the inquisition is established.

* See the Fourth Letter to a Prebendary, by Dr. Milner, sixth edition :—an excellent work.

X. 5.

John Wickliffe.

THE celebrated John Wickliffe, rector of Lutterworth in Lincolnshire, was certainly the first, who produced that agitation in the public mind, which terminated in the reformation. In his discourses, sermons and writings, he incessantly inveighed against the clergy ; he maintained that they were bound to lead a life of poverty, in imitation of their master ; he asserted, that the person who first endowed them, was the greatest of heretics and antichrists ; and that their temporalities being solely given to them to be employed to the honour of God, might lawfully be diverted from them, when employed by them to any other purpose : that to pay tythes and dues to an incumbent, who spent his time in vanity and luxury, was to co-operate in his sins, and that secular lords were not only permitted, but bound, under pain of damnation, to deprive of its possessions, a church habitually delinquent. The poverty of the regular clergy, did not, however, save them from his invectives ; he applied to them the most odious epithets, and described the begging friars as a general nuisance. He seems to have thought, like Luther, on the real presence ; like Calvin, on predestination ; and, like Zuinglius, on the subordination of the church to the state : he generally spoke of the pope in the most contumelious terms, and often calls him antichrist. Yet he

~~a~~ffirmed that prelates and priests ordained of God, come in the place of the apostles and disciples, and that the pope is the highest vicar, whom Christ has upon the earth. He asserted that oaths were unlawful, and that dominion, or the right to property, was founded in grace, or the person's being in the acceptance of God. On this head, he argued that forfeiture is confessedly the punishment of treason; that every sin was a treason against God; that the sinner forfeited by it whatever he held of God, and consequently—all right to authority or property, since, of whomsoever he might hold them immediately, they were derived to him originally from the Almighty Lord of all.

Eighteen propositions were selected from his works, and laid before pope Gregory XI. By the order of his holiness he was summoned to explain his opinions before the archbishop of Canterbury and the bishop of London. Towards the end of the year 1377, he appeared before them. He exhibited his defence in writing: it cannot be said to ~~discover~~ either talents or candour. Among other charges brought against him, he was accused of having said, "that charters of perpetual inheritance were impossible, as God himself could not give to man civil possessions for ever." Against this charge, he defended himself by saying, that, by the words, "for ever," he meant, "after the day of judgment:"—this, the reader must see, was an absolute subterfuge. We have noticed his position, that a temporal lord might take from a delinquent church its temporal possessions; this he

fended by averring, that he meant not that temporal lords could do this of their own authority ; but that they might do it, by the command of God, and God, he said, commanded it. The prelates, either satisfied by his explanations or intimidated by his protectors, dismissed him with an order to abstain from the use of language, thus calculated to perplex and mislead the ignorant. But he persisted in his attacks on the doctrines and proprietaryship of the clergy.

In 1382, the bishop of London convened a synod of his clergy, for the examination of the opinions of Wickliffe and his adherents : these, it should be observed, went greater lengths than their patriarch.—Four-and-twenty articles of doctrine, said to be inculcated by Wickliffe and his disciples, were censured ; ten as heretical, fourteen as erroneous or of a dangerous tendency. From this sentence, Wickliffe appealed to the duke of Lancaster, and prayed his protection ; this, as it was an appeal from a spiritual to a lay tribunal, on matters merely doctrinal, gave general scandal, and was rejected by the duke. He advised Wickliffe to submit to the judgment of his ordinary. Wickliffe reluctantly consented, read a confession of faith in the presence of the archbishop of Canterbury and some other prelates. Retiring to his rectory of Lutterworth, he was suffered to remain in it without molestation. He died in the close of the year 1384. The moderation of the clergy in their conduct towards a person, who had so vehemently attacked both their doctrine and

their possessions, and the effect of whose attacks were still sensibly felt, did them honour*.

Itinerant priests spread the doctrines of Wickliffe, probably with a considerable admixture of opinions still more extravagant of their own, over every part of England. They are charged† with maintaining that every prince or prelate, who falls into sin, loses his dignity or character, until he repents of his sin;—with denying the freedom of human action, and the lawfulness of oaths in civil concerns, and with holding universities and scholastic degrees to be of a pagan origin.

X. 6.

The Lollards.

THE efforts of Wickliffe to produce a new order of things in the church, were aided by the turbulent spirit of innovation, which prevailed at this time, not only in England, but on the continent. The gradual diffusion of knowledge among the lower orders of men, the progressive improvement

* This account of Wickliffe and his doctrines is extracted almost verbally from Mr. Lingard's *Hist. of England*, c. 20, but, after a comparison of what had been written on the same subject by Du Pin, Collier, and Lewis.—The *Life of Wickliffe* by the last of these writers, is valuable for the original passages and documents, which it contains, but shews little general learning or discernment.

† *Father Persons's Three Conversions of England*. Part iii. ch. 3, p. 112.

of their condition, and the consequential increase of their importance in society, produced in them a general wish to deliver themselves from the servitude, the oppression, and the aristocratic insolence under which they had so long suffered. This spirit discovered itself, nearly about the same time, in the commotions in France, in the mutinies in Flanders, and in the insurrection of the English populace under John Ball, a celebrated popular leader. The doctrines of liberty and equality, so widely and so forcibly disseminated in our days, were rudely but eloquently preached by him and his followers. They asserted the equal right of all mankind to all the goods of nature ; they declaimed against all artificial distinctions in society ; they demanded,

When Adam delv'd and Eve span,
Where was then the gentleman ?

and they lamented that Adam had not asked for a patent of nobility to ennoble all his descendants.—These seditious and disorganizing principles were extensively spread : an odious tax, and some offensive circumstances which attended the collection of it, gave rise to an insurrection of the people, in which an immense multitude, headed by the celebrated Wat Tyler, and a few other persons of the lowest extraction, proceeded to the greatest excesses against all the nobility and gentry who fell into their hands ; and for several days they made London a scene of murder and rapine. The principles, by which they were influenced, resembled, in a great measure, those by which the French anarchists of our times were actuated ; and, if the

post and post-roads had then existed, would probably have produced the same effects*.

The rebellion was quelled; but both the religious and the civil principles, which had fed it, were perpetuated; the persons, to whom they were imputed, received the appellation of Lollards. A sect, with that name, had, before the appearance of Wickliffe, existed in Germany. Like these, the English Lollards declaimed against the clergy, they described them as associates of Satan, plunderers of the poor, usurpers of the revenue of the state, and therefore the real cause of the taxes imposed by parliament: they advised the people not to pay tythes, and meditated a general confiscation of ecclesiastical property.—An act of parliament was passed to repress this new sect†. The preamble mentions that, divers unauthorized preachers went about, teaching new doctrines and heretical opinions, misinforming the people, and daily committing enormities too horrible to be related; it states the inadequacy of the ecclesiastical power to prevent their proceedings, and then authorizes the bishop to proceed against and to punish them by imprisonment, and a fine to the king; and that, if they refused to abjure their heretical pravity, or, after

* The writer once asked the celebrated Mallet du Pan, which was the principal cause of the French revolution?—Mallet answered,—“ Il y avoient cent mille causes : la poste et les postes, s'entraident pour quatre vingt dix neuf mille, neuf cent et quatre vingt dix neuf.

† De hæretico comburendo. Rot. Parl. iii. 466. Wilk. Conc. iii. 252.

their abjuration should relapse into it, they should be delivered to the sheriff, and burned in a high place, before the people. Other legislative proceedings against the Lollards followed: they did not subdue the boldness of their preachers, and seem to have been seldom executed. Four years later, upon a demand of the crown for an extraordinary supply, the commons recommended, in the true spirit of Lollardism, that the whole might be raised from the possessions of the church*.

Through the whole of the reign of Henry IV, the Lollards increased, and at length formed a party, which threatened imminent danger both to the church and the state. In the beginning of the following reign, sir John Oldcastle, lord of Cobham, a nobleman, distinguished both by civil and military talents, placed himself at their head, and led them on to the most criminal enterprizes. They were baffled by the prudence and activity of the monarch. Lord Cobham was taken prisoner, and new laws were passed against Lollardism†.

By these proceedings, Lollardism was bent to the ground: but the spirit was unsubdued; it continued to ferment in silence and obscurity, and gradually prepared the public mind for the religious innovations, which afterwards took place.

* Lingard, ch. 21.

† 2 Hen. V. ch. 7.

X. 7.

The Council of Constance.—John Huss.

IN consequence of the marriage between Richard the second and a princess of Bohemia, much communication took place between England and that kingdom; and the doctrines of Wickliffe found their way into the university of Prague. John Huss was favourable to some of the doctrines of Wickliffe, and professed to admire his writings and respect his memory. Dr. Heylin observes*, that, “many of the opinions of Huss, were so far from truth, so contrary to peace and civil order, so inconsistent with the government of the church of Christ, as to be utterly unworthy of so great a character: but,” continues the same writer, “such is the humour of some men, as to call every separation from the church of Rome, the gospel.” The archbishop of Prague forbade Huss to preach; the pope condemned his doctrine, and excommunicated him; the rector appealed from the sentence of his holiness to the council then convened to meet at Constance; he was formally summoned to appear at it, and Sigismund the emperor elect of Germany, gave him a safe conduct. It is expressed in the following terms†; “Sigismund, &c. to all princes

* Animadversions on Fuller, p. 65.

† *Histoire du Concile de Constance*, par Jacques L'Enfant, 2 vol. 4to. Ams. 1714.—A work of great research, written with elegance, and generally with impartiality.—He transcribes the safe conduct in book i. No. 39.

“ as well ecclesiastical as secular, and to all our
 “ other subjects, greeting. We affectionately re-
 “ commend to all of you in general, and to every
 “ one of you in particular, the honourable Mr. John
 “ Huss, B. D. and M. A. the bearer of these pre-
 “ sents, going from Bohemia to the council of
 “ Constance: whom we have taken under our
 “ protection and safeguard, and into that of the
 “ empire, desiring you, when he comes amongst
 “ you, to receive him well, and entertain him
 “ kindly, furnishing him with all necessaries for his
 “ dispatch and security, whether he goes by land
 “ or water, without taking from him or his, at
 “ coming in or going out, for any sort of duties
 “ whatsoever; and to let him freely and securely
 “ pass, sojourn, stop and repass: and providing him,
 “ if need be, with good passports for the honour and
 “ respect of his imperial majesty. Given at Spires,
 “ 18 Oct. 1414.” The language of the passport
 seems to shew, that it was intended to be a protec-
 tion to Huss from all injuries, in going to Con-
 stance, or returning from it, not an exemption if
 he should be found guilty, from the sentence of
 the council, or its consequences: to these, it should
 be observed, he had repeatedly and unequivocally
 submitted. Other circumstances render it evident
 that he understood the passport in this sense *.

* See “ An Answer to Mr. William Abernethy Drummond’s
 “ Letter to George Hay, 8vo. Edinburgh 1778.”—Mr. Geo.
 Hay was a catholic bishop in Scotland, and the author of
 several pious and polemic works. In the present, he discusses
 fully and ably the case of John Huss, and the charge brought
 against catholics of their holding it lawful to break faith with
 heretics.

That this is the right construction of the safe conduct granted by the emperor appears to be clear, from this single fact, that Constance was a free city, and the acts of the emperor could not therefore have any authority within its precincts or territory.

When Huss arrived at Constance, he was courteously received; the pope assured him of his protection against all injustice, and, in some measure at least, took off his excommunication, by allowing him to say mass in private. But Huss said mass publicly, gave great offence by his discourse and writings, and attempted to escape. Being apprehended near the gates of Constance, he was put into confinement *.

It appears that Huss left Prague on the 11th of October 1414, and reached Constance on the 4th of the following November. It had been intended, that the first sitting of the council should be held towards the end of that month, but the members of the council did not meet so soon,—they did not proceed to business till the following March; and it was only on the last day of May, that they took the affair of Huss into consideration. He had three several hearings on three different days; the last was held on the 8th of June. He was allowed counsel, the assistance of John lord of Chlum, a zealous friend and able adviser, and the utmost liberty of speech. Some of the tenets imputed to him, he disproved; some, he explained; some, were proved upon him; and these the council deemed evil, scandalous, seditious and dangerous heresies.

* See L'Enfant, b. i. No. 25, 26, 35, 62.

Many attempts were made to obtain a retractation of them from him :—" The cardinal of " Florence," says L'Enfant *, " led him to hope " for a formula of retractation so equitable and so " mild, that perhaps he might accommodate himself " to it. The emperor and several fathers of the " council, made the same proposition to him, and " joined in the same entreaties." Huss was inflexible ; further time to consider them was granted him, and he was consigned to the custody of the archbishop of Riga : his confinement was far from rigid ; he was allowed to converse with several, and to write to his friends.

In one of his letters he mentions, with gratitude, the generous conduct of Chlum, who followed him into prison : " O ! what a comfort it was to me, to " see that the lord John of Chlum did not disdain " to give his hand to a miserable heretic in chains, " and abandoned almost by the whole world !"

It is painful to proceed :—on the 6th of the following July, sentence was passed upon him : the council ordered him to be degraded from the order of priesthood. The ceremony of degradation followed, and the council then declared, that John Huss should " be delivered over to the secular arm ; " and did actually deliver him over to it ; considering that the church of God had nothing more " to do with him." He was accordingly placed in the hands of the magistrates of Constance.

* Book iii. No. 10. The examinations of Huss before the council are extremely curious : L'Enfant gives an abridgment of them, book iii. No. 9.

By the established law of the empire, founded on the constitution of the emperor Frederick II, which we have noticed, heretics were ordered to be burned alive in public. This sentence was accordingly executed on Huss: he underwent it with calmness and serenity, expressing to the last great sentiments of piety and resignation.

The specific heresies, for which he was condemned to suffer this punishment equally horrid and unjustifiable, have not been precisely ascertained. Bossuet* asserts it to be clear, "that Huss prayed to the saints, honoured their images, acknowledged the merit of works, the seven sacraments, and purgatory."—In another place, the prelate mentions it to be clearly proved, that Huss believed in transubstantiation, though he contended for the right of the laity to communion under both kinds. All that is said by Bossuet on this subject, seems to be admitted by L'Enfant†. After an elaborate discussion, the latter reduces the real grounds of the condemnation of Huss, to two, his invariable refusal to subscribe the condemnation of the doctrines of Wickliffe; and his having, by his sermons, his writings, and his violent and outrageous conduct, extremely contributed to the troubles, which then agitated Bohemia:—"This," says L'Enfant, "it is impossible to deny. Huss did not go the lengths of Wickliffe, though, speaking properly, he was Wickliffe's martyr, as it was from him, that he took all the principles, which brought his con-

* Variations, livre xi. sect. 165, 166, 167.

† Livre iii. sect. 60.

“ demnation upon him, and which he would, in all probability, have avoided, if he had subscribed to that of the English doctor*.” The council proceeded afterwards to the condemnation of forty errors extracted from the writings of Wickliffe.

* A modern historian deservedly esteemed, (*Histoire des Allemandes de Schmidt*, traduite par J. C. de Veaux, professeur royale a Berlin, livre vii. ch. 14), says, that “ Huss taught, among other things, that a secular sovereign was authorized, and in some measure obliged to seize the superfluous revenues of the clergy : and that this was the best method to bring them back to a life of decency, and to reform their manners — These principles,” continues the same author, “ were favourably received, not only by the multitude, but by the lower order of the clergy, who did the duty of the wealthy ecclesiastics and lived in misery. What particularly rendered Huss odious, was, his principles on the exterior power; and the hierarchy of the church;—a dangerous establishment, in his opinion, to secular states. For example, Huss taught that a pope, bishop or other prelate, who was in a state of mortal sin, ceased to be pope, bishop or prelate. In his explication of this article, he added that a king, in a state of mortal sin, was not king-worthy before the Lord, according to the expression of Samuel to Saul. ‘Because thou hast rejected my name, the Lord has also rejected thee; look on thyself no longer as king.’ (1 Samuel xv. 22). Huss also held, that it was by no means likely, that it was essential to a church to have a visible head, to govern her in spiritual concerns. (*L’Enfant*, l. iii. sect. 8). In fine, he clearly discovered that he thought the condemnation of the propositions of Wickliffe to be unjust; though it appears in one of his writings, that he did not approve them entirely. —In general it is difficult to determine, what the doctrine of Huss on all points really was. In his writings he often contradicts himself. Till his death, he protested, that many doctrines were falsely attributed to him, and that many were unfaithfully extracted from his works.”

X. 8.

Other remarkable Decrees of the Council of Constance.

THE subject of these pages requires that some notice should be taken of the two other canons of the council of Constance.

1. The council declares, by its nineteenth canon, that “ every safe conduct granted by the emperor, “ by kings, and other temporal princes, to heretics, “ or persons accused of heresy, in hopes of reclaim- “ ing them, ought not to be of any prejudice to the “ catholic faith, or to the ecclesiastical jurisdiction, “ or to hinder that such persons may and ought “ to be examined, judged and punished, accord- “ ing as justice shall require, if those heretics “ refuse to revoke their errors, even though they “ should be arrived at the place, where they are “ to be judged, only upon the faith of the safe con- “ duct, without which, they would not have come “ thither : and that the person, who shall have “ promised them security, shall not, in this case, “ be obliged to keep his promise, by whatever tie he “ may be engaged, because he has done all that is “ in his power to do*.”

This canon has been construed to contain, and certainly must sound to every person unacquainted with the civil and ecclesiastical jurisprudence of the times of which we are writing, as containing declaration of the council, that it was lawful for

* L'Enfant, l. iv. No. 32.—We copy the translation of this canon by bishop Hay, Letter to Abernethy, p. 126.

sovereign princes to permit safe conducts granted by them to heretics to be violated, by reason of the heresy of those, to whom they were granted. But all, who are acquainted with the jurisprudence of these times, must be aware, that the import of the canon is very different. It only intimates that, when any prince grants a safe conduct, which conflicts with the faith or morals of the church of Christ, or with the legal or constitutional rights of the church of the state, he has exceeded his legitimate authority, and this exercise of his power is consequently null. Such, certainly, is the tenet of every protestant state, whether episcopal or presbyterian. If a person should now publish, within any part of the united empire of Great Britain and Ireland, a work against the Trinity, and make some place beyond the seas, his residence; and his majesty should grant him a safe conduct to any part of his cis-marine dominions, both in going and returning, would this safe conduct protect the offender against the process of any of his majesty's civil or spiritual courts?—Would they even allow it to be pleaded?—Other defences of this canon might be offered, but this, the writer apprehends to be conclusive.

2. Another decree of the same sessions has been produced.—It enacts, that, “ according to the “ natural, the divine, and the human law, the “ council, notwithstanding the safe conduct granted “ to John Huss, ought not to have kept any word “ given him, to the prejudice of the catholic faith; “ and that the emperor had done in respect to that

“ heretic, all that he might or could do.”— Perhaps this clause may bear the same interpretation as the former ; but it is an evident interpolation. It is to be found in no manuscript, excepting one in the imperial library at Vienna ; and in this, it has not the formal signatures, which are subscribed, without exception, to all the other acknowledged canons*.

3. Another decree of the council requires particular mention ; it is expressed in the following terms :
 “ The holy council of Constance, making a general
 “ council legitimately assembled, in the Holy Ghost,
 “ to the honour of God Almighty, to work for the
 “ reformation of the church both in the head and
 “ its members : in order to execute more easily,
 “ more surely, and more freely the object of this
 “ union, and of this reformation, orders, defines,
 “ decrees and declares that, which follows :—and
 “ first, it declares that, being legitimately assembled
 “ in the Holy Ghost, and forming a general council, which represents the catholic church, it receives immediately from Jesus Christ its power,
 “ to which every person of whatever state or dignity
 “ he be, though even he were pope, is obliged to
 “ obey, in things which concern the faith, the extirpation of schism, and the general reformation
 “ of the church of God in its head and in its
 “ members.

It declares further, that “ every person of whatever state, condition or dignity he be, though
 “ even he were pope, who shall obstinately refuse to

* See *Analyse des Conciles*, par le R. P. Richard, 4to. Paris 1772, tom. ii. p. 421, 422.

“ submit to the mandates, statutes, ordinances, or
 “ laws made or to be made in this holy council, or
 “ in any other general council legitimately assembled, upon the matters marked above, or which
 “ have relation to them, ought, if he do not return
 “ to repentance, to be subjected to a proportional
 “ penance, and punished as he deserves ; so that,
 “ recourse may, if necessary, be had to other ways
 “ of right.”

The declaratory enactment by this decree, of the unqualified superiority of the council over the pope, in spiritual concerns, the recognition of it by the general council of Basil, which immediately followed that of Constance, and the puerility of the arguments by which the decree is attempted to be eluded by a few ultramontane writers, are the subject of the 5th and 6th books of Bossuet's *Defence of the Declaration of the Gallican Clergy in 1682* ;—in which declaration, the decree and the doctrine are explicitly adopted *.

The council of Constance is eminent by the number and character of the persons present at its deliberations, the regularity of its proceedings, and the wisdom and energy of its decrees. It was attended by 30 cardinals, 4 patriarchs, 20 archbishops, 300 bishops, and 1,000 other ecclesiastics†. The emperor Sigismond and several electors and princes of

* An abridgment of this work of Bossuet was published in London, in one volume 8vo. by the abbé Coulon.

† L'Enfant, pref. iv. Bellarmine, Lib. de Conc. et Eccl. cap. vii.

the second order assisted at it in person ; the other European princes of the first order, and several of the second were represented at it by their deputies.

The council voted by nations : christendom was supposed to be divided into five, the Italian, the German, the French, the Spanish and the English ; but the admission of the latter was opposed by the French, and was the subject of a great national contest ; the French ambassadors contending that christendom was essentially distributed into the four first of these nations, and that the lesser kingdoms, as England, Denmark, Portugal, and others of the same description, were comprehended under one or other of these divisions.—To this, the English ambassadors opposed the extent, the power and the dignity of the British Islands, which, with England, Scotland, the four kingdoms of Ireland and the Orkney Islands were decorated with eight royal crowns. The arguments of the English ambassadors, assisted perhaps by the victories in France of Henry v, their monarch, prevailed ; and the council decreed the English to be a fifth and co-ordinate nation *.

* See Hermann von der Hardt, *Historia Œcumenica Concilii Constantiensis*, Francofurti 1697, (6 tom. in 3 vol. fol.) ;—tom. iv : a rare work ; for the loan of which and several other rare and important works, the author is indebted to the liberality of the University of Cambridge, which he takes this opportunity of gratefully acknowledging.—L'Enfant abridges these proceedings, tom. ii. p. 447, &c.—They are summarily noticed by Gibbon, ch. 70, note 75.

A good history of the *Historia Reformationis ante Reformatione*, (an expression familiar to the writers on the continent) is much wanted.—We are informed by the editors of Beausobre's *Histoire de la Reformation*, that something of this kind was found among his papers, with the title of *Preliminaires de la Reformation*; if it has issued from the press, it has not found its way to London. The abbé Baruel promised the public an *Histoire du Jacobinisme du Moyen Age*, but has not performed his promise.

It is not easy to mention with precision, either the tenets generally imputable to all the separatists from the church, whom we have occasion to notice in this chapter, or the tenets which distinguished one class from the other *. The grand distinction is into the Albigenes and Waldenses, and their respective followers. All the contemporary writers

* The best account of these, which has fallen under the eye of the writer, is to be found in father Persons's "Three Conversions of England," part iii. c. 3.—He states in it, briefly but perspicuously, the distinctive doctrines of each class, and shews their several agreements and disagreements with the catholic and the established church. Father Persons had not the advantage of perusing several learned and curious histories and compilations, which have appeared since his time; but he lived nearer to the period of these events, and consulted original authors.—The 11th book of the *Variations* is dedicated to the same subject, and abounds in excellent matter, and vigorous argument: but the polemic is sometimes too discernible. It is to be wished that we had the work of some Albigenian or Waldensian, who related the history of his own party.

represent the former as holding principles equally destructive of religious, civil, and social order ; and as endeavouring to spread their doctrine by violence and fraud. These horrid principles and practices cannot be imputed to the Waldenses, or the first filiations from them. But, in the course of time, some portions even of these, seem to have adopted, in a greater or less degree, the obnoxious principle, that right to dominion, proprietorship, and magistracy, in church and state, is founded in grace, and that the right to them ceases, where grace is lost. The authority of the council of Constance, and the increasing diffusion of learning, and of the light which always accompanies it, shewed the folly and perniciousness of these opinions : the controversies, generated by the reformation, took a different turn :—but even in these, as among John Knox and his primitive disciples, something of the kind is too often discernible.

X. 9.

Remarkable Publications during this period.

IN his “ State of Europe during the Middle Ages *, ”—Mr. Hallam has accurately described the state of the public mind at the time to which this chapter relates :—“ The rich envied and “ longed to plunder the estates of the superior “ clergy ; the poor learned from the Waldenses, and

* Chap. vii.—a work of research and observation.

“ othersectaries, to deem such opulence incompatible
“ with the character of evangelical ministers : the
“ itinerant minstrels invented tales to satirize vicious
“ priests, which a predisposed multitude eagerly
“ swallowed.”

The most important of these satirical poems is
“ The Visions of Pierce Plowman,” published towards the middle of the fourteenth century, and attributed to Robert Langland a secular priest and fellow of Oriel college in Oxford ; it consists of a series of visions, which happened to the poet, as he slept on the Malvern hills in Worcestershire. In strong allegoric painting, he describes a multitude of corruptions and superstitious practices, which he charges on the clergy. Pierce the Ploughman’s Creed, is generally subjoined to the Visions. The author feigns himself to be ignorant of his creed ; he applies for instruction to the four religious orders,—the grey-friars of St. Francis, the black-friars of St. Dominic, the carmelites and augustinians. Each advises him to beware of the other, but none gives him the instruction he solicits ; this, at length he receives from Pierce a poor ploughman, who resolves his doubts, and instructs him in the principles of religion ; he was evidently a follower of Wickliffe, and mentions him with honour.

Before the appearance of either of these works, William, called from his native place, of Occam in Surrey, a fellow of Merton college in Oxford, arch-deacon of Stow in Lincoln, a friar minor and definitor of the whole order of St. Francis, had attacked the claim of the popes to the deposing power, by

“ A Dialogue between a Knight and a Clerke concerning the Power spiritual and temporal,” afterwards printed by Berthelet with the privilege of Henry VIII. The whole of it is transcribed into the celebrated “ Songe du Vergier,” ascribed to Raoul de Presles, who lived in the reign of Charles V, in France *. Posterior in date to these two works, but written on the same principles, is “ Le livre appelé Songe du vieux Pelerin, adressant au blanc Faucon à bec et piéz doréz, fait par Messire Phelippe de Maisière, en son etre, chevalier chancelier de Chippre † ;” it was published about the year 1397 ; and has often been confounded with the Songe du Vergier, but it is quite a distinct work.

Wetstein, in the introduction to his edition of the New Testament, mentions, that, in the dispute, which the Franciscans had with pope John XXII, the rebel party gave that explanation of the Revelations which makes the pope antichrist. Many of them embraced the reformation, carrying with them into it this capuchin discovery. Mosheim ‡ says that “ these rebellious franciscans, though fanatical and superstitious in many respects, deserve nevertheless an eminent rank among those who prepared the way for the reformation ;” the informed reader, probably, will not think that they add to its titles of honour.

* See Oldy's Librarian, p. 5.

† See the Dissertation et Analyse in Durande de Maillane's *Libertés de l'Eglise Gallicane*, tom. iii. p. 504.

‡ Ecc. Hist. Cent. xiii. part ii. ch. 2, note (m.)

Whatever may have been the principles of the persons, to whom we have just alluded, it is at least certain, that they produced a considerable degree of ferment. "The minds of men," says cardinal Julian, in a letter to pope Eugenius IV. "are big
"with expectation of what measures will be taken ;
"and are ripe for something tragical. I see the
"axe is at the root : the tree begins to bend : and
"instead of propping it, whilst we may, we hasten
"its fall." The whole of this letter,—a copious extract from which is given by Bossuet, in the first pages of his *Variations*,—is inserted in the works of *Æneas Sylvius*, afterwards pope, under the name of Pius II. It is a remarkable monument of political foresight, and deserves the perusal of the reader *.

* The *Commentaire du chevalier Folard sur Polybe*, published in 1727, contains the following prediction, equally remarkable, of the French revolution:—"A conspiracy is
"actually forming in Europe, by means at once so subtle and
"efficacious, that I am sorry not to have come into the world
"thirty years later, to witness its result. It must be con-
"fessed, that the sovereigns of Europe wear very bad specta-
"cles. The proofs of it are mathematical, if such proofs ever
"were, of a conspiracy."

CHAP. XI.

Vol. I. c. 3. p. 18.

HENRY THE EIGHTH:—

COMMENCEMENT OF THE REFORMATION.

1517.

CHAP. XII.

*Vol. I. c. 4. p. 22.*HENRY THE EIGHTH RECEIVES FROM THE POPE
THE TITLE OF DEFENDER OF THE FAITH.

1521.

CHAP. XIII.

*Vol. I. c. 5. p. 27.*THE DIVORCE OF HENRY THE EIGHTH FROM
QUEEN KATHARINE.

1533.

XIII. 1.

*Vol. I. c. 5. s. 1. p. 28.**Principal Events in the History of the Divorce of Henry
the eighth.*

XIII. 2.

*Vol. I. c. 5. s. 2. p. 30.**Observations on the Lawfulness of the Marriage of Henry
the eighth with queen Katharine.*

XIII. 3.

Vol. I. c. 5. s. 3. p. 32.

Sentence pronounced by Clement the seventh for the validity of the Marriage of Henry the eighth with Queen Katharine.

XIII. 4.

Vol. I. c. 5. s. 4. p. 34.

Act of Parliament ratifying the Divorce and confirming the King's Marriage with Anne Boleyn.

CHAP. XIV.

Vol. I. c. 7. p. 49.

HENRY THE EIGHTH ASSUMES THE TITLE
OF SUPREME HEAD OF THE CHURCH OF
ENGLAND.

1534.

XIV. 1.

Vol. I. c. 7. s. 1. p. 49.

Character of Cardinal Wolsey.

XIV. 2.

Vol. I. c. 7. s. 2. p. 51.

The whole body of the English Clergy held to be liable to the penalties of Præmunire.

VOL. III.

I

XIV. 3.

*Vol. I. c. 7. s. 3. p. 53.**Measures preparing the public mind for his Majesty's
Ecclesiastical Supremacy.*

XIV. 4.

*Vol. I. c. 7. s. 4. p. 59.**The Acts of Parliament declaring Henry the eighth
Head of the Church of England.*

CHAP. XV.

Vol. I. c. 8. p. 61.

CRIMINAL PROSECUTIONS ON THE STATUTES
REGULATING THE SUCCESSION TO THE CROWN,
—AND CONFERRING ON HENRY THE EIGHTH
THE TITLE OF SUPREME HEAD OF THE CHURCH
OF ENGLAND.

XV. 1.

*Vol. I. c. 8. s. 1. p. 61.**Bishop Fisher.*

XV. 2.

*Vol. I. c. 8. s. 2. p. 64.**Sir Thomas More.*

XV. 3.

Vol. I. c. 8. s. 3. p. 70.

*Other Executions for the denial of the King's Spiritual
Supremacy.*

CHAP. XVI.

Vol. I. c. 9. p. 72.

MONASTIC INSTITUTIONS.

XVI. 1.

Vol. I. c. 9. s. 1. p. 73.

*Origin of the Monastic Institution ; and its Principal
Orders.*

XVI. 2.

Vol. I. c. 9. s. 2. p. 77.

Advantages derived from the Religious Orders.

CHAP. XVII.

Vol. I. c. 10. p. 89.

THE DISSOLUTION OF MONASTERIES.

1540.

XVII. 1.

*Vol. I. c. 10. s. 1. p. 90.**The Suppression of the Order of the Knights Templars.*

XVII. 2.

*Vol. I. c. 10. s. 2. p. 95.**The Suppression of the Alien Priories.*

XVII. 3.

*Vol. I. c. 10. s. 3. p. 96.**Licence granted by the Pope to cardinal Wolsey, to
dissolve several of the smaller Monasteries.*

XVII. 4.

*Vol. I. c. 10. s. 4. p. 97.**The Dissolution of the remaining smaller Monasteries.*

XVII. 5.

*Vol. I. c. 10. s. 5. p. 98.**The Dissolution of the greater Monasteries.*

XVII. 6.

*Vol. I. c. 10. s. 6. p. 101.**The Loss which Learning sustained by the Dissolution of
Monasteries.*

CHAP. XVIII.

Vol. I. c. 11. p. 102.

POPE PAUL THE THIRD EXCOMMUNICATES
HENRY THE EIGHTH.

CHAP. XIX.

Vol. I. c. 12. p. 104.

ECCLESIASTICAL REGULATIONS IN THE REIGN
OF HENRY.

XIX. 1.

Vol. I. c. 12. s. 1. p. 105.

*Preliminary view of the different Religious Systems;—
of the Lutherans; Zuinglians; and Calvinists.*

XIX. 2.

*Ecclesiastical Regulations of Henry the eighth respecting
the appointment of Bishops.*

IN an early part of this work some mention was made of the disputes between the popes and the sovereigns of Europe respecting investitures.—They subsisted too long, but at length were amicably arranged.

In respect to the right of nominating to bishoprics,—they were finally settled—in Germany, by the concordat of 1447, which confined the election of bishops to the chapters, exercising that right;—in France, by the concordat of 1516, which vested the nomination to bishoprics, and the collation of certain benefices of the higher class in the kings of France;—in Spain, by prescription, repeatedly allowed by the popes, under which the kings have uninterruptedly exercised the right of nominating bishops;—and in England, by the charter of king John, recognized and confirmed by his great charter, and by an act of Edward III *, which gave up to the chapters the free right of electing their prelates; but that statute is virtually repealed by a statute of Henry VIII †, by which, the chapters if they do not elect the person recommended by the king's letters missive, are subjected to the penalties of *præmunire*.

As to the mode of investing bishops elect with their temporalities:—at a general diet held at Worms in 1122, it was settled, that bishops should be chosen by those, to whom the right of election belonged, in the presence of the emperor or his ambassador; that, in the case of a dispute among the electors, the emperor should decide; and that the bishop should take an oath of allegiance to the emperor, and receive his temporalities from him by the delivery of the sceptre, and do the emperor

* 25 Edw. III. st. 6, s. 3.

† 25 Hen. VIII. c. 7.

homage for them. This convention was solemnly confirmed in the following year, at the council of Lateran. Speaking generally, this form of investiture has been adopted in every part of christendom.

XIX. 3.

Vol. 1. c. 12. s. 2. p. 108.

Ecclesiastical Regulations in the reign of Henry the eighth respecting the general reading of the Bible, in the English language, by the Laity; and some account of the Translation of it, 1st, by Tyndale; and 2dly, by Coverdale: 3dly, of the edition of the latter by Crammer: 4thly, and of the Proclamations and legislative Enactments, respecting them.

XIX. 4.

Vol. 1. c. 12. s. 3. p. 114.

Ecclesiastical Regulations of Henry respecting the Faith and Devotions of his Subjects.

XIX. 5.

Vol. 1. c. 12. s. 4. p. 117.

Persecutions of those who opposed the Faith or Doctrine of Henry.

XIX. 6.

Vol. I. c. 12. s. 5. p. 119.

The Death of Henry the eighth:—Genealogical account of the Descendants of Henry the seventh, till the accession of the Stuart Dynasty.

1547.

CHAP. XX.

Vol. I. c. 13. p. 121.

EDWARD THE SIXTH.

1547.

XX. 1.

Vol. I. c. 13. s. 1. p. 122.

The Regulations respecting the Election of Bishops, and the new Admission of the actual Bishops to their Sees.

XX. 2.

Vol. I. c. 13. s. 2. p. 123.

The new Visitation.

XX. 3.

Vol. I. c. 13. s. 3. p. 124.

The Book of Homilies.

XX. 4.

*Vol. I. c. 13. s. 4. p. 124.**The Forty-two Articles.*

XX. 5.

*Vol. I. c. 13. s. 5. p. 125.**The Book of Common Prayer.*

XX. 6.

*Vol. I. c. 13. s. 6. p. 127.**The Suppression of Colleges, Hospitals, and Chauntries: general Destruction of their Libraries, and of the sacred or secular articles of use, or ornament belonging to them.*

XX. 7.

Four public Dissertations in the reign of Edward the sixth between Catholic and Protestant Divines.

It is remarkable that, in the first year of the reign of Edward VI, an act* was passed against all such persons, as should irreverently speak "against the sacrament of the body and blood of Christ, and the receiving thereof under both kinds:" and that in the following parliament †, an act was passed for establishing the new communion book, which contained the Zuinglian doctrine against the real presence. At Oxford, Peter Martyr conformed to

* 1 Edw. VI, c. 1.

† 2 Edw. VI, c. 1.

the common prayer; at Cambridge, Martin Bucer observed upon it a prudent silence.

In the following year, a formal disputation was held upon this important article, at Oxford, between Peter Martyr, on the side of the protestants, and Dr. Tressam, Dr. Chadsey, and Mr. Morgan, on the side of the catholics. Fox repeats the arguments of Martyr with exultation, while he is silent on those of his adversaries: Saunders assigns the victory to the catholic divines*.

In the same year, a second disputation was held at the same place. "It is to be noted," says Fox, that "at the disputation, Martyr, in his answer did "grant a change of substance of bread and wine;" but in a disputation which was held in the following year at Cambridge, "this, by bishop Ridley, was denied †."

A third disputation soon followed; it was held in the same year at Cambridge; and although Ridley presided at it, the real presence was asserted by Mr. Perne, the advocate of the protestant cause. "We deny nothing less," he said, "than his "corporal presence or the absence of his substance "in the bread;"—so that the discussion turned altogether on transubstantiation and the sacrifice of the mass‡.

A fourth disputation soon followed at Cambridge§. This also turned on transubstantiation,

* Persons's Review of Three Disputations, c. 1, s. 1.

† Fox, 1255. Persons's Review, c. 1, s. 2.

‡ Persons's Review, c. 1, s. 3.

§ Ibid. c. 1, s. 4.

Perne, who still continued the advocate of the protestants, qualified his assertion of the real presence, in the former conference, by saying, "I grant that Christ is in the sacrament truly, wholly and verily, after a certain property and manner. I deny not his presence, but his real and corporal presence." Thus he veered to the doctrine of Calvin on the real presence.

In all the three disputations at Cambridge, Dr. Ridley presided as moderator: a further meeting was convened to hear his determination, and it was numerously attended*. The question of the real presence he left untouched, but decided, in the most explicit terms, against transubstantiation, upon five grounds,—“the authority, majesty, and verity of the scriptures, the most certain testimonies of ancient catholic fathers, the definition of a sacrament, the abomination of the heresy of Eutyches, that may ensue of transubstantiation,—and the most sure belief of the article, ‘he ascended into heaven.’

“These,” says Persons†, “be Maister Ridley’s five bulwarks, or castles of defence, builded in the ayre, which he handleth so fondly and childishely, as after you shall see in the particular examinations of his arguments. Only heere, I will say in generall, that the reader shall find his authority, majestie and verity of scriptures against transubstantiation, to be a meere vaunt and vanity, for he hath no one cleere or substan-

Persons’s Review, c. 1, s. 5.

† Ibid.

“ tiall place at all. And, as for his certayne testimonyes of the ancient fathers, they will prove so uncertayne for his purpose, as you shall see them, most certaynely against him. His third castle of the definition of a sacrament, will prove a cottage of no strength at all, for that the true nature of a sacrament standeth well with transubstantiation. His fourth head springe about the heresie of Eutyches, will prove a puddle, and himselfe puzzeled therin, for that the heresie of Eutyches confoundinge two distinct natures in Christ, hath no more coherence with transubstantiation, then Rochester with Rome. And finally, his last ground about the article of Christ’s ascendinge into heaven, hath no ground to rest on, but is a meere imagination in the ayre, to witt, that for so much as Christ ascended into heaven, *ergo* there is no transubstantiation.”

Bucer did not take a prominent part in any of the Cambridge disputations which have been mentioned ; but another* was convened, at which he held the temple † :—propounding the following conclusions, “ first, that the canonical books of scripture alone do sufficiently teach the regenerate all things necessarily belonging to salvation : secondly, that there is no church on earth that erreth not as well in faith as manners : thirdly, that we are so justified freely of God, that, before our justification, it is sin, and provoketh God’s

* Fox, 1262, 1263. Persons’s Review, c. i. s. 6.

† In media mihi Cæsar erit templumque tenebit.—Virg.

“wrath against us, whatsoever good works we seem
 “to do: then,—being justified, we do good works.”

We have no full information of what passed at these disputations, that can be relied upon:—it should seem from the accounts, which have reached us, that the catholics anxiously but fruitlessly strove to have the question of the real presence settled previously to the discussion of the question of transubstantiation. “If two demands being propounded,” says father Persons*,—first, whether in such a vessel, “(where water was known to be before), there be
 “wine put in;—and secondly, whether this wine
 “have turned that water into itself or no? or that
 “the water and wine do remain together,—to
 “pretermitt the first question, whether wine be
 “really and truly there or no? and cavil only about
 “the second, whether the water be turned into
 “wine, or remain together with the wine, would be
 “preposterous and impertinent wrangling; if the
 “wrangler did deny expressly, that there was any
 “wine in the vessel. And so fareth it in our controversy of the real presence of Christ’s body.
 “For if the said body be not really and substantially in the sacrament at all, then it is impertinent
 “to dispute the second question, whether it be there
 “without bread or with bread.

XX. 8.

Vol. I. c. 13. s. 7. p. 130.

Religious Persecution during the reign of Edward VI.

* Review, c. i. s. 5.

CHAP. XXI.

*Vol. I. c. 14. p. 131.*PRINCIPAL ECCLESIASTICAL OCCURRENCES IN THE
REIGN OF QUEEN MARY.

1553.

XXI. 1.

*Vol. I. c. 14. s. 1. p. 133.**The return of the English Nation to Communion with the
See of Rome.*

XXI. 2.

*Four Disputations between Catholic and Protestant Divines
in the reign of Queen Mary.*

IN our account of the reign of king Edward VI, we have noticed six disputations between catholics and protestants, on the subject of religion, that were held in the space of one year. Four similar disputations were held in 1553, soon after the accession of queen Mary. The catholics then held the temple, and these disputations were designed for the express purpose of giving satisfaction to protestants.

The first * took place on the 18th of October in the year we have mentioned, in the convocation

* Fox, p. 214. Persons's *Review of Ten Disputations*, s. 7.

house, in St. Paul's church, London, and continued during six days. "The questions, (says Persons),
 "were the accustomed, about the real presence,
 "and transubstantiation. The manner of disputing
 "was not in form, or after any fashion of school,
 "but rather of proposing doubts and answering the
 "same for satisfaction of them, that were not re-
 "solved. The prolocutor protested, that the con-
 "ference was held not to call any points of catholic
 "religion into doubt, but to solve such scruples or
 "doubts, as any man might pretend to have." Philpot, archdeacon of Winchester, took the lead on the protestant side: he denied the real presence in the most explicit terms: "I will speak plain
 "English, quoth he*:—the sacrament of the altar,
 "which ye reckon to be all one with the mass, is
 "no sacrament at all, neither is Christ anywise
 "present in it."

Three other disputations† were held in three successive days, at Oxford, in April 1554, on the three questions of the real presence, transubstantiation, and the sacrifice of the mass. Cranmer, Ridley, and Latimer attended, and argued at each of them.

The disputants arrived at no certain conclusion, in any of the ten meetings which have been mentioned. The three last were conducted with most order, and the controversy carried on with the greatest fairness;—"Yet," says father Persons‡, if

* Fox, 1285. Persons's Review, ch. i. s. 7.

† Fox, 1299. Persons's Review, c. i. s. 8.

‡ Ibid.

Fox relate truly, "the manner of arguing was not so
"orderly and school-like as might have been*."

* The conclusions which Persons himself draws from them for his readers, we shall give in his own words.

"If a man would oppose to these ten public disputations before recyted, ten learned counsellors of the catholic church, that disputed, examined and condemned this heresie of theirs against the real presence, within the space of these last six hundred years, since Berengarius first began it, as namely, those four named by Lanchfranke, to witt, that of Rome, under Leo the ninth; and another of Versells, under the same pope; the third at Towars in France, under pope Victor, successor to Leo, the fourth at Rome againe, under pope Nicholas the second; in all which Berengarius himselfe was present, and in the last, not only abjured, but burnt his owne booke. And after this, six other counsellors to the same effect, the first at Rome, under Gregory the seventh, where Berengarius againe abjured, as Waldensis testifieth; the second of Lateran in Rome also, under Innocentius the third; the general counsell of Vienna; the fourth at Rome againe, under pope John the twenty-second; the fifth at Constance, and the sixth at Trent. All these counsellors I say if a man consider with indifferency of what variety of learned men they consisted, of what singular piety and sanctity of life, of how many nations, of what dignity in God's church, how great diligence they used to discuss this matter, what prayer, what conferringe of scriptures, and other meanes they used, and with how great consent of both Greek and Latyn church conforme to all antiquity, they determined and resolved against the opinion of protestants in our dayes; he will easily discover how much more reason and probability of security there is, of adventuring his soule of the one side then of the other."†

At the end of this chapter father Persons proceeds to an elaborate discussion of the controversies, on the three articles of the real presence, transubstantiation and the sacrifice of the mass:—all who desire to be acquainted with the nature and bearings of these discussions in the reign of queen Elizabeth, must be highly gratified by the perusal of this part of his work.

† On the last disputation, see also Collier's Ecc. Hist. vol. 11, p. 354.

XXI. 3.

*Vol. I. c. 14. s. 2. p. 136.**Persecution of the Protestants for Heresy.*

XXI. 4.

*Vol. I. c. 14. s. 3. p. 139.**Archbishop Cranmer.*

XXI. 5.

Some Observations on the Character of queen Mary.

HISTORIANS have been unjust to the memory of Mary, by the unqualified harshness with which they mention the reprehensible parts of her conduct, and by concealing, or not holding up sufficiently to light, those parts of it, which were justly entitled to praise.—Hume ascribes to her, obstinacy, bigotry, violence, malignity, revenge and cruelty ; and asserts that, “ amid the complication of vices which “ entered into her composition, we shall scarcely “ find any virtue but sincerity.”—Yet, in the next page, he records the wise laws, by which she suspended the tyrannical impositions on the merchants, and repealed the absurd prohibitions in the making of cloth, by all persons who had not served an apprenticeship of seven years : he also notices her exertions to establish the commercial relations between this country and Russia, from which her successors derived so much advantage. He might

have added her salutary restoration of the humane provisions of the common law respecting the proceedings for treason ; her limiting treasons and misprisions of treason to those which were declared to be such by the 25th of Edward III ; her liberal reversals of outlawries, and her humane and generous injunctions, to sir Richard Morgan, when she appointed him judge of the Common Pleas, by which she signified, that, “ notwithstanding the old error “ which did not admit any witness to speak, or any “ other matter to be heard, in favour of her adversary, in causes in which her majesty was a party ; “ her majesty’s pleasure nevertheless was, that what- “ soever could be brought in favour of the subject, “ should be admitted to be heard ; and moreover, “ that justices should not persuade themselves to “ sit in judgment otherwise for her highness, than “ for her subjects.”

Fuller * does her greater justice :—“ Take queen “ Mary,” he says, “ abstracted from her opinions, “ and by herself, secluded from her bloody counsellors, and her memory will justly come under “ commendation. Indeed, she knew not the art of “ being popular.—She hated to equivocate in her “ religion, and was what she was, without dissembling her judgment for fear or flattery. Little “ beloved of her subjects, to whom though once she “ remitted an entire subsidy, yet it little moved “ their affections, because, though liberal in this “ act, she had been unjust in another,—her breach “ of promise to the gentry of Norfolk and Suffolk.

* Book viii. s. 53.

“ However, she had been a worthy princess, had as
 “ little cruelty been done *under* her as was done *by*
 “ her *.”

* Sir William Blackstone also observes, (Comm. book iv. c. 33), that many popular and salutary laws in civil matters were made during her administration. No code of law contains a wiser lesson to princes than that expressed in the first act of her reign; “—Forasmuch as the state of every king, ruler and governor of any realm, dominion or commonalty, standeth and consisteth more assured by the love and favour of the subject toward their sovereign, ruler and governor, than in the dread and fear of laws, made with rigorous pains and extreme punishment, for not obeying of their sovereign, ruler and governor: and laws also justly made for the preservation of the commonwealth, without extreme punishment or great penalty, are more often, for the most part, obeyed and kept, than laws and statutes made with great and extreme punishments, and in special, such laws and statutes so made, whereby not only the ignorant and rude unlearned people, but also learned and expert people, minding honesty, are often and many times trapped and snared, yea many times for words only, without either fact or deed done or perpetrated.

“ The queen’s most excellent majesty, calling to remembrance that many, as well honourable and noble persons, as other of good reputation within this her grace’s realm of England, have of late (for words only, without other opinion, fact or deed) suffered shameful death not accustomed to nobles; her highness therefore of her accustomed clemency and mercy, minding to avoid and put away the occasion and cause of like chances hereafter to ensue, trusting her loving subjects will, for her clemency to them shewed, love, serve and obey her grace the more heartily and faithfully, than for dread or fear of pains of body, is contented and pleased that the severity of such like extreme dangerous and painful laws, shall be abolished, annulled and made frustrate and void.”

CHAP. XXII.

Vol. I. c. 15. p. 141.

QUEEN ELIZABETH.

1558.

XXII. 1.

*Vol. I. c. 15. s. 1. p. 142.**The first Measures of queen Elizabeth.*

XXII. 2.

*Vol. I. c. 15. s. 2. p. 144.**Her Coronation.*

XXII. 3.

*Vol. I. c. 15. s. 3. p. 146.**Division of the Nation into a Catholic and a Protestant Party.*

It adds to the merit of this benign legislative declaration of Mary, that it was made by her after several treasons and treasonable practices against her, had been perpetrated; and, while it was known that some were carrying on and others meditated.

And, in respect to the executions in her reign for heresy, when it is admitted, that they can neither be denied nor excused, it should not be forgotten that similar guilt is justly imputable to many sovereigns, some of whom enjoy a considerable portion of historic fame.—It should also be recollected, that some, who were executed in her reign for heresy, might have justly been executed for treason;—other sovereigns, more politically, but certainly not more justly, converted what they deemed heresy into treason, and punished the convict not as a heretic, but as a traitor.

XXII. 4.

*Vol. I. c. 15. s. 4. p. 147.**Subdivision of the Protestants into Lutherans.*

XXII. 5.

*Vol. I. c. 15. s. 5. p. 148.**Zuinglians.*

XXII. 6.

*Vol. I. c. 15. s. 6. p. 149.**Calvinists.*

XXII. 7.

*Vol. I. c. 15. s. 7. p. 150.**The Queen's preference of the Protestant Party.*

XXII. 8.

*Vol. I. c. 15. s. 8. p. 151.**Notification of her Succession to Pope Paul the fourth.*

XXII. 9.

*Vol. I. c. 15. s. 9. p. 152.**Conciliatory Proceedings of Pius the fourth.*

CHAP. XXIII.

LEGISLATIVE ESTABLISHMENT OF THE PRO-
TESTANT CHURCH IN ENGLAND.

THE meeting of parliament was fixed for the 23d day of January 1558; but it was prorogued till the 27th. By a proclamation of the 27th of the preceding December, the queen prohibited all public preaching and teaching, but enjoined that the gospel and epistle of the day, the litany and the ten commandments should be read aloud in English, at the public service: this, in other respects, was to remain in its actual state.

Soon after the accession of queen Elizabeth *, a meeting took place, by her order, in Westminster church, between some dignitaries of the church of Rome, and some protestant divines of distinction. Sir Nicholas Bacon the lord keeper, presided as moderator. Three questions were appointed for discussion: “ The first,—whether it were against God’s
“ word, and the custom of the primitive church, to
“ use a tongue, unknown to the people, in common
“ prayer, or the administration of the sacraments:
“ The second,—whether every church had autho-
“ rity to appoint, take away and change ceremonies
“ and ecclesiastical rites, so that the same were to
“ edification: Thirdly,—whether it could be proved
“ by the word of God that there is offered up, in

* Fox’s Acts and Monuments, 1919. Persons’s Review, c. i. s. 4.

“ the mass, a sacrifice propitiating for the living
“ and the dead. These were directed to be dis-
“ cussed in the presence of the queen’s counsel, the
“ nobility, and others of the parliament house for
“ the better satisfaction and enabling of their judg-
“ ment to treat and conclude of such laws, as might
“ depend thereupon.” An altercation immediately
took place between the catholic and protestant
divines, and the assembly broke up, without any
regular argument. An account of it was published
on each side : the protestants claimed the victory ;
the catholics complained that they had not been
permitted, either to propose any one argument, or
to reason in due place or time.

The first bill hostile to the catholic religion,
which was passed in this parliament, originated in
the lords, on the 30th of January :—it restored first-
fruits and several other ecclesiastical emoluments to
the crown ; it passed, with the unanimous assent of
the lords temporal, and the unanimous dissent of the
lords spiritual : an inconsiderable opposition was
made to it in the commons.

A bill then passed, by which her majesty’s title
to the imperial crown of this realm, was fully and
unequivocally recognized : it passed through both
houses, without a single dissentient voice. By a
bill, which passed a few days after, with the same
unanimity, the queen was restored in blood, and
declared to be inheritable to her mother Anne.

The next bill put the great question on the
national religion, at issue : it was finally intituled,
“ An act to restore to the crown the ancient juris-

“ diction over the estate ecclesiastical and spiritual,
“ and abolishing all foreign powers repugnant to
“ the same.”

This bill was a subject of great discussion in each house of parliament : the speeches of Heath, archbishop of York, and of Scott bishop of Chester, against it, have been preserved*. Viscount Mountague, the same nobleman, who had been sent in the preceding reign to negotiate the reconciliation of England with Rome, “ incited,” says Camden, “ by a sentiment of zeal and honour,” represented to the peers, that “ it would be disgraceful to England, “ so lately reconciled to the apostolic see, to make “ so sudden a revolt from her ;” and conjured them, with great importunity, “ not to withdraw “ themselves from her,—to whom the nation was “ beholden for the christian faith, and the constant “ defence of it ever since.”—His exertions were seconded by the earl of Shrewsbury :—the other temporal lords voted for the bill, all the spiritual lords voted against it. The bill was finally carried by a majority of three voices : the catholics had particularly relied on an active opposition to it from the duke of Norfolk and the earl of Arundell, whose daughter he had married ; but both voted for the bill ; and the duke used all his proxies, which were numerous, in its favour. It passed in the commons without a division.

* Strype, vol. i. app. vi. vii. Parl. Hist. vol. iii. p. 379. On the other side of the question, the reader will find an able pamphlet published about this time in Strype, *Annals*, vol. i. app. viii.

Almost immediately after this act was passed, Elizabeth published a body of "Regulations of the discipline and order of the Church." In one of these, she professes to notice the misconstructions of her claims to the spiritual supremacy: she then proceeds to say, "her majesty neither doth nor ever will challenge any other authority than what was challenged, and lately used by the said noble kings of famous memory, king Henry VIII, and Edward VI, which is and was, of ancient time, due to the imperial crown of the realm,—that is,—under God, to have the sovereignty and rule over all manner of persons born within these her realms and dominions, so as no power shall or ought to have any superiority over them." In the next parliament this explanation of the oath of supremacy received the sanction of the legislature.—It is generally called "Queen Elizabeth's admonition:" an act, which was passed in the fifth year of her majesty, directed that the oath should be taken and expounded in this sense.

The important act for the establishment of the queen's supremacy was followed by the act, almost equally important, "for the uniformity of common prayer and service in the church and the administration of the sacraments." By this, and a further act, passed in the same sessions, the liturgy and sacraments established in the reign of Edward VI, with little variation, were directed to be used and administered in all churches, under certain penalties.

The former act occasioned a greater debate, and the division against it was more numerous, than that on the bill for establishing the queen's supremacy; all the bishops and nine temporal peers dissenting from its passing into a law. The speeches of Dr. Feckenham, the abbot of Westminster, and Dr. Scott, the bishop of Chester, have been preserved by Strype, and inserted in the Parliamentary History *.

An attempt also was made to revive the act passed in the reign of Edward VI, for the marriage of the clergy, which had been repealed by the parliament of Mary; "but," says Strype, "Elizabeth could not be brought to countenance the conjugal state of her clergy †."

* Annals, vol. i. app. ix. Parl. Hist. vol. iii. p. 413.

† Throughout her reign, the queen manifested the same dislike to the marriage of clergymen. "In her progress through Essex and Sussex in 1561, she was particularly disconcerted," says Collier (Ecc. Hist. vol. ii. b. vi. p. 472), "at seeing their wives in cathedrals and colleges. She issued an order, therefore, to forbid all heads and members of colleges or cathedral churches within the realm, having their wives or any other women within the precincts of such places. The penalty was forfeiting all ecclesiastical promotion belonging to any cathedral or collegiate church where this happened.—Parker was not able to digest this regulation; he was apprehensive the queen had some thoughts of returning popery upon them."

CHAP. XXIV.

Vol. I. c. 17. p. 165.

PRINCIPAL ECCLESIASTICAL ARRANGEMENTS IN
THE REIGN OF QUEEN ELIZABETH.

XXIV. 1.

Vol. I. c. 17. s. 1. p. 165.

The Book of Common Prayer.

XXIV. 2.

Vol. I. c. 17. s. 2. p. 166.

The Thirty-nine Articles.

XXIV. 3.

Vol. I. c. 17. s. 3. p. 168.

The Act of Uniformity.

XXIV. 4.

Vol. I. c. 17. s. 4. p. 170.

The Statutes of Recusancy.

XXIV. 5.

Vol. I. c. 17. s. 5. p. 173.

The new Translation of the Bible.

XXIV. 6.

Vol. I. c. 16. s. 2. p. 157.

*An Inquiry into the Nature and Extent of the Spiritual
Supremacy conferred on queen Elizabeth.*

CHAP. XXV.

EFFECT OF THE LEGAL ESTABLISHMENT OF THE
PROTESTANT RELIGION ON THOSE WHO ADHERED
TO THE CATHOLIC CHURCH.

THUS, "the revolution which has been mentioned in church affairs," to use the language of the writers of the Parliamentary History* "took place in a very surprising manner; and popes, with cardinals, were banished this realm. On the rising of the parliament the new liturgy in the vulgar tongue, which, by their authority had been established, was introduced into all churches and chapels of the kingdom: images were once more taken down and removed out of them, with as little disturbance as possible; and some of the clergy themselves underwent the same fate; for the oath of supremacy being tendered to them, such as refused were deprived of their bishoprics, livings, and all other ecclesiastical preferments: But the numbers of the conscientious clergy were but small, in comparison of the whole body. In England, there were then computed 9,400 ecclesiastical preferments; of those, there went off no more than eighty parish priests, fifty prebendaries, fifteen heads of colleges, twelve archdeacons, as many deans, six abbots and abbesses, and fourteen bishops; which last number, except the bishop of Llandaff, were all that then were living. In this, the heads of the clergy shewed

* Vol. iii. p. 436.

“ much more conscience than the tail of them.
 “ Other bishops, &c. were elected and substituted
 “ in the places of the deprived ; and these altera-
 “ tions in religion were done with so little noise
 “ and bustle in England, as was, says Camden, to
 “ the astonishment of the whole christian world.”

To the list of ecclesiastics who are said, in the foregoing extract, to have been deprived of their livings, in consequence of their non-conformity, the names of about fifty deprived prebendaries, and thirty-seven fellows of colleges, mentioned by Dodd*, may be added. But, there is the strongest reason to suppose, that the number of non-conformists was considerably greater than that which is mentioned in the extract which we have inserted from the Parliamentary History. Seventeen fellows only of New College are mentioned in the list of the non-conformists, which have reached us : but Wood informs us, that their whole number amounted to twenty-three ; and he says, of the university of Oxford at large, that “ after the catholics had left
 “ it, upon the alteration of religion, it was so empty,

* Church Hist. vol. ii. p. 319. So lately as 1563, the speaker of the house of commons complained, that many of the schools and benefices “ were seized, the education of youth
 “ disappointed, and the succours for knowledge cut off. For
 “ I dare aver,” said he, “ that the schools in England are fewer
 “ than formerly by one hundred ; and those, which remain, are
 “ many of them but slenderly stocked ; and this is one reason,
 “ the number of learned men is so remarkably diminished.
 “ The universities are decayed, and great market towns
 “ without either school or preacher.” Coll. Ecc. Hist. vol. ii.
 p. 48q.

“ that there was very seldom a sermon preached in “ it in the university church ;—the university,” he adds, “ seemed to be destroyed *.”

At the accession of queen Elizabeth, there were in England, including the Isle of Man, twenty-seven episcopal sees ; ten of these were vacant, all the prelates, who filled the remaining sees, except Kitchen, of Llandaff, whom Camden calls, “ the “ calamity of his see,” on account of his dismemberment of its possessions, refused the oath of supremacy, and were displaced and imprisoned ; but the imprisonment was gently managed, and the greater part of them were left prisoners at large.

Some were permitted to cross the seas, and died abroad. In consequence of some real or alleged imprudence, Watson of Lincoln was placed in strict confinement at Wisbeach castle ; he appears to have been the only prelate, against whom government proceeded with severity.

We have seen, in a preceding page, that the number of ecclesiastics was computed at 9,400. Most of the regulars who disobeyed the new regulations, fled to the convents of their several orders on the continent,—their natural asylums : two religious establishments only preserved the continuity of their respective communities : the Carthusian monks, founded by king Henry V, in 1416, retired successively to Bruges, Louvaine, and Mechlin, and

* See a short chronological account of the religious establishments by English catholics on the continent, by the abbé Mann, *Archæologia*, vol. xiii. p. 251.

finally to Nieuport in Flanders, where they continued till their suppression in 1793. The Bridgettine nuns, founded at Sion, in Middlesex, settled, after some wanderings, in Lisbon : a few ancient nuns, now residing in community at Somers-town, in the neighbourhood of London, still keep up the establishment of the monastery, once venerable, at Sion.

The fate of the secular clergy varied. We have seen, that the far greater number of them conformed to the new religion : those, who remained, were called " the old priests," and " queen Mary's " priests." Many of these retired to the continent, particularly to the low countries. All were received hospitably, several were admitted into public or official situations, and some obtained considerable preferment. The greater number, however, remained in England. Of these, some obtained sinecures, in which conformity was generally dispensed with ; others remained in privacy, unknown, or at least unheeded.

But several, supported by the courageous munificence of catholic individuals among the nobility and gentry, who adhered to the ancient faith, actively discharged the duties of their character, for the benefit of their afflicted countrymen. Of these, some were to be found in London and other great towns, sheltered by the largeness of the population, from particular notice : but the greater number resided with their patrons, and administered to them, their tenants, and their neighbours, the rites of religion and the benefits of instruction, in

the midst of hardship and danger. In a manuscript, with the perusal of which the writer has been favoured, the number of these valuable men is computed at 1,000. To them and their excellent protectors, the preservation of the catholic religion in this country, against the first shock of the reformation, was altogether owing.

Not long after the passing of the act which has been mentioned, the emperor of Germany and some other catholic princes addressed the queen in behalf of the catholics, and particularly suggested to her the reasonableness of allowing, to that portion of her subjects, one church in every town. The queen refused the request; but professed general kindness towards "those on whose behalf she was solicited:" she intimated an intention of "endeavouring to cure their refractory spirit," as she termed it, "by connivance," and observed that, "England had not embraced any strange or new-fangled faith; but had established the very same, which Christ had commanded, the primitive catholic church received, and the oldest of the fathers jointly approved*.

In the fifth year of her reign, a law was passed, by which it was enacted, that persons maintaining the pope's authority within this realm, should incur the "penalties of *præmunire*;" that all "ecclesiastical persons, graduates and fellows of the university, and all officers belonging to courts of judicature, should take the oath of supremacy,

* Bartoli Istoria, lib. i. c. 9.

“under the penalty of præmunire, for the first offence, and death for the second: persons who had said or heard mass, were obliged to take the same oath, or suffer as above.” It has been said that this act was occasioned by the indiscreet zeal of some catholics in the north.

CHAP. XXVI.

COLLEGES FOUNDED ABROAD BY THE SECULAR CLERGY OF THE ENGLISH CATHOLICS:—CARDINAL ALLEN*.

BY degrees, the number of the respectable clergymen, who preserved, in the manner, which has been mentioned, the remnant of the catholic religion in this kingdom, was considerably diminished by death: age and infirmity disabled others for the exertions necessary to an effective discharge of missionary duty; and no means appeared of supplying their places: thus a total extinction of the ancient faith

* His name is spelt *Alan* by most, if not all the Latin writers, who have mentioned him, and by several English writers: hence this mode of spelling his name was adopted in the first and second editions of these Memoirs: but most English authors have called him *Allen*, and the present writer has now ascertained that the doctor thus spelt his own name.

Father *Persons* has been generally called *Parsons* by English writers, but the former is, unquestionably, his right appellation.

of this kingdom was generally expected both by its friends and its enemies.

Under those circumstances, Mr. William Allen conceived the memorable project of perpetuating the catholic ministry in England, by a regular succession of priests, to be educated in colleges on the continent, and thence sent on the English mission. Allen was descended from an ancient family in Lancashire : in 1547, he entered Oriel college in Oxford ; and, in 1556, was chosen principal of St. Mary's Hall, in the same university. On the death of queen Mary, he retired to Louvaine, and formed an intimate friendship with Dr. Stapleton and Dr. Harding, which subsisted through their lives: after spending some time in Louvaine, he returned to his native country.

He first distinguished himself by the part, which he took in a controversy on the lawfulness of catholics attending the divine service in protestant churches to avoid the penalties of recusancy. On this question a great difference of opinion then prevailed among the English catholic divines. " It was " pretended," says Dodd *, " by some of the ancient " priests, that occasional conformity had been practised by the most zealous catholics during the " reign of Edward VI; that it was not a thing *per se malum*; that, as the common prayer contained " no positive heterodoxy, there was no divine prohibition of being one of the audience; that " recusancy would involve the catholics in many

* Church History, vol. ii. p. 44.

“ difficulties ; that it would entirely ruin the cause
“ and expose them to the loss of goods and liberty ;
“ that, according to the opinion of many learned
“ divines, human laws might be complied with or
“ neglected in such circumstances. These objec-
“ tions,” continues Dodd, “ were answered by
“ Allen with due respect to the persons, by whom
“ they were urged. He told them the case was
“ misrepresented as to Edward the sixth’s reign ;
“ when the better sort of catholics all stood off,
“ following the example of queen Mary, while she
“ was princess, who, neither by threats nor by
“ promises, could be prevailed upon to be present
“ at the reformers’ public worship.—As to the
“ merits of the cause, he plainly stated his opinion,
“ that occasional conformity in religion was the
“ worst sort of religious hypocrisy ; that the scrip-
“ tures were very explicit in condemning any sort
“ of religious commerce with schismatics or heretics ;
“ that there was manifest danger of many being
“ seduced by the subtile arguments and misrepre-
“ sentations, with which protestant pulpits abound-
“ ed ; that such a behaviour was never heard of
“ in the primitive ages, nor practised in any age
“ since ; that the common prayer was not so inno-
“ cent as they seemed to make it, nor the opinion
“ of any learned divine so complaisant to human
“ laws, as to have regard to worldly convenience,
“ at the expense of God’s law : lastly, he acquaints
“ them, that the fathers at the council of Trent
“ had been consulted upon the case ; and that a
“ select number, having examined it, had sent over

“ a declaration concerning the practice of the
“ regulars*.”

Some catholics were displeased with the zeal, which Allen shewed on this occasion : some protestants also took offence at it, and threatened to put the penal laws into execution against him : this induced him to return to Oxford. There, he observed that several, who discharged public functions in the university, and some, who were qualifying themselves for them, or were engaged in a general course of academic study, were internally convinced of the truth of the old religion, and only waited for a proper opportunity to declare themselves openly in its favour. These reflections made great impression upon him : he went to Flanders, thence travelled to Rome, and returned again to Flanders ; but the project was always in his mind, and the subject of many of his conversations. On his return to Flanders, he settled at Mechlin in Brabant : there,

* The opinion of these divines is transcribed in More's *Historia Provinciæ Anglicanæ Soc. Jesu*,—and an extract of it is given by Dodd, in his *Church History*, vol. ii. p. 292. The opinion is dated in 1562, and the date of it shews, that the dispute subsisted before the arrival of the missionary priests in England ; the period assigned by some writers for its commencement. But the opinion obtained from Trent did not determine the dispute ; some of the old priests still continuing to advocate the lawfulness of the practice. Father Persons published two treatises against it, one intituled “ *Reasons why Catholics refuse to go to Church*. Douay, 8vo. 1580 ;” the other “ *De Sacris alienis non adeundis : ad usum praximque Angliæ breviter explicatæ*. Audomari, 12mo. 1607.” The late bishop Hay published an elaborate treatise against the practice.

he was ordained priest, and read lectures on divinity at the splendid college, which the Benedictine monks possessed in that city.

Having now maturely digested his plan, he determined to put it into execution. Mr. Morgan Philips, who had been provost of Oriel, and the tutor of Allen, while he was a student in that college, purchased a convenient house for the projected establishment. Allen and several clergymen contributed towards its foundation; a further aid was obtained from England; the three rich neighbouring Benedictine abbies of St. Vedastus, Marchiennes, and Anchiennes advanced considerable sums of money towards it; the university of Douay in a body and several other communities did the same, and great collections were made for it from individuals in Douay and the neighbouring towns. In making these collections, Dr. Vondeville then professor of the civil and canon law at Douay, afterwards bishop of Arras, a particular friend of Allen, was eminently serviceable. Through his interest the degree of doctor in divinity and a professorship of that science in the university of Douay were conferred on Allen, and a canonicate in the wealthy cathedral church of Cambray obtained for him. The revenues of all his preferments were always devoted by Dr. Allen towards the relief of his necessitous countrymen, and particularly to the support of the new establishment. It was opened in 1568; several of the doctor's ancient friends in Oxford and other parts of England, and several clergymen, whom the

change of religion had driven from it into foreign parts, resorted to him. This soon enabled him to send some missionaries into England ; the account, which they gave of the establishment, and the fruits of it which appeared in the activity and success of their missionary labours, operated so much in its favour, that a petition was signed by the catholic nobility and gentry of England, and afterwards by the university of Douay, and by several religious communities,—(among whom the fathers of the Society of Jesus were particularly distinguished),—recommending the infant college to the liberality of the holy see. The memorial was accordingly presented to pope Gregory XIII, and received by him so favourably, that he immediately settled on the college an annual pension of 2,100 Roman crowns ; and soon afterwards raised it to 2,500 : it was ever punctually paid.

The first persons, who placed themselves under Dr. Allen, were Mr. Richard Bristow, Mr. Edward Risdon, Mr. John Marshall, Mr. John Wells, Mr. Collyer and Mr. Rayensham : they were soon followed by others. Many of them had taken the degree of doctor in divinity : among these Dr. Stapleton, one of the most learned theologians of the sixteenth century, deserves particular mention. In a few years, the inmates of the college, including professors and students, amounted to one hundred and fifty.

These prosperous beginnings were soon interrupted. The populace of Douay instigated by the

Gueux or Hugonots of that and some adjacent towns, assembled in a tumultuous manner and demanded the expulsion of the collegians. The magistrates judged it advisable to yield, and ordered Dr. Allen and his associates to quit the town ; but avowed their reluctance to issue these orders, signed a strong testimonial in favour of the exiles, and permitted Dr. Allen to leave behind him a few of the body to continue the legal possession of the property. This event took place in 1576. The exiles, on the invitation of the cardinal de Lorraine, and other illustrious persons of the house of Guise, repaired to Rheims and were hospitably received : they were entertained in that city, till 1593, when they were recalled by the magistrates to Douay. It is observable, that the princes of the house of Guise continued their kindness to the exiles after they quitted Rheims ; Mary queen of Scots, in the midst of her own severe distress, often made them experience her bounty.

Even while they were at Rheims, their numbers increased, and rendered a new establishment necessary. Mention has been made in a former part of this work, of the hospital at Rome for English pilgrims, and of the munificence of king Ina and king Offa to this establishment. Several respectable persons, whom the reformation of Henry VIII. drove from England, found refuge, and were hospitably entertained in it, at the expense of the holy see. The wardenship of it had been given to Sir Edward Kerne, agent at Rome for king Henry VIII, in the business of the divorce : it was afterwards com-

mitted to Dr. Thomas Godwell bishop of St. Asaph, who had quitted England, upon the accession of queen Elizabeth. Some other priests and some lay gentlemen also found a refuge in it, and, under the presidency of Dr. Godwell, formed a community, living in great privacy, and dedicating their time to religious exercises. Upon the application of Dr. Allen, and in consequence of the particular exertions of Dr. Lewis, then archdeacon of Cambray, afterwards bishop of Cassano, pope Gregory XIII. converted the establishment into a college for the education of English youth; and Dr. Maurice Clenoch, bishop elect in the reign of queen Mary, was appointed its president: the first scholars were furnished from Rheims.

Such were the exertions of Dr. Allen for the preservation of the catholic religion in England. Dr. Ely a witness of them, mentions, that during the five years immediately preceding the year 1580, Dr. Allen sent one hundred priests upon the English mission, and that during the five succeeding years he sent a greater number*. The "fruits of their labours," says Dodd †, "quickly appeared by the learned books, which the Douay clergy published, and by the zeal of the missionaries, in their ministerial functions; forty, in one month, laid down their lives in the cause."

On a future occasion, we shall be under a necessity of mentioning the conduct of Dr. Allen in some events of great public importance;—here, we shall

* Brief Notes upon a brief Apology, p. 26, 58.

† Church Hist. vol. ii. p. 49.

succinctly lead our biographical notice of him, to its close.—The establishment at Rome proved to him a subject of great mortification : great dissensions soon prevailed in it ; to compose them, he took a journey to Rome, and succeeded in his views, as far as the temper of the parties would bear. At the end of a year, he returned to Flanders ; but he was recalled by the pope to Rome, and confidentially consulted by him on many important occasions. Le Long mentions him among the learned persons employed on the Sixtine edition of the Vulgate. In 1587, the dignity of cardinal was conferred on him, with the title of Sancti Martini in Montibus, and cardinal protector of the catholics in England. In 1589, he was advanced to the archiepiscopal see of Mechlin : other benefices were conferred on him, so that he enjoyed an ample revenue ; but it sunk under his beneficence. He was the common father of the English catholic exiles, and always ready to shew curtesy, or render service to every English traveller : lord Clarendon, in the History of his Life, mentions in terms of gratitude, the services which his father received from the cardinal. He was uniformly loved and venerated : on one occasion, pope Gregory XIII. presented him to the sacred college, addressing the cardinals in these words, “ venite fratres mei, ostendam vobis, “ magnum Alanum.” He died in 1594 aged about sixty-four years. His gravity, modesty, piety, discernment, disinterestedness and conciliating spirit, his parsimony to himself, and liberality to others, were allowed by all his contemporaries. He was

the author of several works; some will be mentioned in the following pages. They are distinguished by a natural flow of easy, dignified and affecting eloquence, by lucid order, and elegant unambitious diction. That the preservation of the catholic religion in England was primarily owing to him, is unquestionable; the ancient regular clergy had vanished, and before the twenty-first year of Elizabeth, no missionary jesuit was seen in England*.

* A good life of cardinal Allen would be an important acquisition to the history of England during the reign of queen Elizabeth; but the loss both of the manuscript and printed documents which existed nowhere but in the establishments of the English catholics on the continent, and which perished in the French revolution, would probably render the execution of such a work very difficult. Still, we are in possession of some valuable biographical accounts of the cardinal. His life, by the rev. Thomas Fitzherbert, and that in the *Pinotheca* of Nicus Erythræus otherwise Rossi, shortly mention the principal circumstances of his life: both these works are very rare, but both are in the library of the British Museum. Dodd's account of the cardinal,—(*Church Hist.* vol. ii. p. 44),—is written with method, perspicuity and candour. A more copious and interesting history of him is inserted in the *Biographia Britannica*; an abridgment of it has lately made its appearance in the *Biographical Dictionary* of Mr. Chalmers. Frequent mention is made of him in the "*Istoria della Compagnia de Giesu, l'Inghilterra, parte de l'Europa, descritta del P. Daniello Bartoli, della Medesima Compagnia, fol. Roma, 1657.*"—"Henri Mori *Historia Provinciæ Anglicanæ Societatis Jesu,*"—and father Juvenç's "*Historiæ Societatis Jesu, pars quinta, tomus posterior, fol. Romæ, 1690,*"—contain many interesting particulars of the cardinal. He is also mentioned with respect by Fuller in his *Church History*: and a short notice of his life is given by Anthony Wood, in his *Athenæ Oxonienses*.

CHAP. XXVII.

THE ENGLISH JESUITS.—FATHER PERSONS.

IT is universally known, that the society of Jesus was founded by St. Ignatius of Loyola, in Biscay, a descendant of a noble family in that province. Having unreservedly dedicated himself to God, and spent many years in prayer and penance, he conceived the noble project of establishing a religious order, or a perpetual succession of men, devoted to religion, who should be constantly and actively engaged in promoting the glory of God, and the spiritual welfare of their neighbour; some, in the education of youth in piety and learning; some, in the general instruction of the faithful; some, in defending the catholic faith against error; and some, in propagating the faith of Christ among infidel nations.

In 1540, this institution, under the name of the Society of Jesus, was solemnly approved by a bull of pope Paul III: more than forty other bulls confirmed it, and extended the privileges of the order: and it was most honourably mentioned by the council of Trent. In 1537, when St. Ignatius presented himself and his companions to the pope, their number did not exceed ten; at the expiration of the first century of the order, it reached 10,000; and in 1710, when father Juvençî published his history of the society, it contained 37 provinces, and one vice-province;

24 professed houses, 612 colleges, 59 houses of probation; 340 residences; 150 other different communities; 200 missions; and 19,998 members, —of whom, 9,947 were priests. Their history * is

* There is not a greater desideratum in literature than a history of the society of Jesus for general readers: but to do justice to it, the writer should possess no ordinary power. It would require extensive learning, wide, minute and persevering research, a mind thoroughly imbued with true religion and true philosophy, and unbiassed by partiality or prejudice. The infancy of the society is pleasingly described, but not without some exuberance of admiration, in the “*Imago primi seculi Societatis Jesus*, fol. Antwerpæ, 1640.” The successive histories of the order by father *Orlandini*, published at Rome in 1615, and at Antwerp in 1620; by *Sacchini*, published in four volumes folio, the first at Antwerp in 1620, the second at Rome, in 1640; the third at Rome in 1652; and the fourth, (partly executed by father *Possin*), at Rome, in 1661, and the history of *father Juvenci*, published at Rome in 1710, form a complete collection: but, to perfect it, an English reader should possess the histories of *More* and *Bartoli*, which we have already noticed. Among the hostile histories of the society, the “*Historia Jesuitica* of *Ludovicus Lucius*, Basil, 1624,” is the best executed. All the Loyolan writers, whom we have mentioned, enter into details too minute for the generality of readers: an abridgment, in which the most important facts should be brought forward, and the others either wholly omitted, or very slightly passed over, might be compressed into three quarto volumes of a moderate size, and would present one of the most pleasing and instructive works that have issued from the press. *Juvenci* and, (to an English reader), *More* and *Bartoli* are by far the most interesting parts of the collection, which has been mentioned. The two last are surprisingly rare; a very extensive and minute search made by the writer, could not discover a single copy of *More*, either in the London or any foreign market, and the only copy in any library, which has

connected with that of every European nation, and is intimately blended with that of the English catholics. An attempt will be made in this chapter to present the reader, I. With a succinct mention of the different classes of the members, who formed the society of Jesus : II. A summary notice of the constitutions of the society : III. And a general view of the missionary labours of father Robert Persons, the founder of the English mission of the society and of many of its establishments on the continent.

come to his knowledge, is in that of Sion college ; the loan of it to him he takes this opportunity of gratefully acknowledging. The style both of More and Juvenci is singularly perspicuous and elegant. An ultramontane tone of a few passages in the latter, attracted the notice of the parliament of Paris, and occasioned some proceedings and publications hostile to the society. (See the "*Recueil des Pièces touchant l'Histoire de la Compagnie de Jesus, publié par le père Juvenci, 1715, 1716.*")—Several curious facts respecting the publication of Juvenci's history, and some interesting circumstances connected in some measure with it, may be found in the thirteenth volume of the works of the chancellor D'Aguesseau. They shew the conflict between the cisalpine and transalpine opinions on papal power, so late as the reign of Lewis XIV, and the great difficulty, by which, even at that period, the former obtained the ascendant. Some acquaintance with all the works mentioned in this annotation, has convinced the writer that, in what the warmest admirers of the jesuits have said in their praise, there is much truth, and in what their most moderate adversaries have laid to their charge, there is much exaggeration : how any one who professes himself a friend to civil or religious liberty, can recommend or wish for the interference of the temporal power in their concerns, passes the writer's comprehension.

XXVII. 1.

A succinct mention of the different Classes of the Members who formed the Society of Jesus.

To use the language of its constitutions*, the society of Jesus, taken in the most extensive sense of these words, comprised *all*, who lived under obedience to the general : in a less extensive sense, it comprised *the professed members, the formed coadjutors, and the approved scholars*. In a more proper sense, it comprised only *the professed members, and the formed coadjutors* : in its most abstract sense, it was confined to *the professed members*. The numbers of each of these classes were capable of receiving from the general, the spiritual graces of which the holy see made him the depositary.

The lowest class was that of *probationers*, or postulants for admittance into the order, and received for trial. For these, there was a house of probation : they remained in it from twelve to twenty days. By frequent examinations of them during this time, a general knowledge of their circumstances, their dispositions, and their aptitude for the order was obtained ; but frequently the postulants had passed through all, or the greater part of the schools of humanity, in houses of the jesuits : where this happened, their dispositions were so well known, as to render unnecessary any further probation.

* Cons. part 5.

After the postulant had finally signified his resolution to enter into the society, and had been approved, the first gate of the sacred precinct was opened to him, and he became a *novice* : but the admission into this class was far from being indiscriminate : legitimacy and decent parentage were usually required ; probable services to the society, high birth, uncommon talents, were a recommendation ; and a turn for learning, or the management of business, was desired ; but habits of piety, regularity and obedience were indispensable conditions.

Thus admitted, the whole time of the novice was dedicated to prayer, meditation, the practice of penance and self-mortification, and the exercise of spiritual and corporal works of mercy. The novitiate generally lasted two years. At the end of it, the novice usually made his first vows.

The vows of every religious order oblige the persons who make them to *obedience* or perfect submission to the will of their superior, in all things, not inconsistent with the law of God, or the rules of the order : to *poverty*, or an absolute inability of inheriting or acquiring property, except for the benefit of the order* ; to *chastity*, or the renunciation of marriage ; and to *stability*, or perpetual residence in the houses of the order, unless the

* In all catholic countries the inheritance and acquisition of property by professed religious, was either modified or absolutely prohibited by the civil law of the state.—Where it was prohibited, (which was the case in England before the reformation), the religious person in respect to property was considered to be civilly dead.

superior dispense with it. A vow is said to be *simple*, when it is made in privacy and without any solemnities ; it is said to be *solemn*, when it is made with solemn ceremonies. In the society of Jesus, the novices pronounced their vows aloud in the church, during mass, at the feet of a priest, who held the sacrament in his hands, and in the presence of some persons of the house : he addressed his vows to God.

After the close of the novitiate, it remained for the general to decide to which of the three other classes the novice should belong : while the novice remained in this uncertain situation, he was called an *indeterminate jesuit*.

The class immediately above the novice, was that of the *approved scholars*. From these, no other than the first vow was required.

It was supposed, that the novices had acquired a familiar knowledge of the Latin and Greek languages, previously to their entrance into the novitiate. At the end of it, literature was resumed, and the approved scholars went through a course of philosophy and divinity ; the former generally lasted two years ; the latter three. Between the novices and the approved scholars there was a small difference in the covering of the head. If the approved scholar had not made his vows during his novitiate, he made them during the term of his scholarship : they too were simple vows, and addressed to God.

No description of persons, either secular or regular, more zealously or successfully promoted the studies of their scholars, than the jesuits. They

found it necessary to use the curb, much oftener than the spur. It was a standing rule of the order, that, after an application to study for two hours, the mind of the student should be unbent by some relaxation, however trifling. When father Petavius was employed in his *Dogmata Theologica*, a work of the most profound and extensive erudition,—(which has extorted praise even from Mr. Gibbon),—the great relaxation of the learned father, was, at the end of every second hour, to twirl his chair for five minutes.

Next above the class of the approved scholars, was the class of the *coadjutors*. But most frequently a second novitiate, which lasted for the term of one year, intervened between the class of scholars and that of *coadjutors*. During that year,—(as also during their first novitiate),—the whole time of the novice was dedicated to prayer and spiritual exercises; except, that to keep the powers of the memory in activity they learned every day some lines by heart.

The *coadjutors* were divided into the spiritual and temporal: the latter answered to the lay brothers of other religious institutions. To the spiritual *coadjutors* belonged the great functions of the order, hearing confessions, preaching, and instruction.

The highest class in the society was its *professed members*. They took the same vow as the *coadjutors*: and promised in addition “a special obedience to the pope, in what related to missions.” The number of the professed members was small,

as the constitutions prescribed, that persons only of the most tried and approved virtue, should be admitted into this class. The choice of the general resided exclusively with them. The constitutions of the society excluded all its members from the dignities of the church; the professed members bound themselves by a solemn vow, never to solicit, (and to inform the general of any member who should solicit) ecclesiastical preferment. In some instances, however,—(but these were very rare),—the dignities of the church were forced on some members of the body by the pope.

From the time of their taking their simple vows, the members were bound to the order, and therefore could not leave it without the permission of the general; but, until their solemn profession, the order was not bound to them, the general therefore might dismiss them against their will from the society.

It was understood, that, till the jesuit took his solemn vows, though he had interdicted to himself the right of disposing of his property, he did not abdicate his right of succession, acquisition or legal ownership: still, he held them under the controul of his superiors. With the exception of France, every catholic state sanctioned this arrangement: but in France, the members of the society were deprived of their civil right of inheriting, acquiring or transmitting property, from the time of their making their simple vows.

The *general* held his office for life, and his power was absolute: but he had five *assistants*; one, for

the concerns of Italy ; one, for those of Germany, including the concerns of England ; one, for those of Spain ; one, for those of France ; and one, for those of Portugal. Through the assistants the superiors and inferiors usually addressed the general ; but, in extraordinary circumstances, immediate intercourse might be had by them to the general himself.

XXVII. 2.

Constitutions of the Society of Jesus.

“ THE perfect form of the government of the “ society of Jesus,” says Mr. Alban Butler, in his *Life of St. Ignatius*, “ the wisdom, the unction, the “ zeal, and the consummate knowledge of men, “ which appeared throughout the constitutions of “ the society, will be a perpetual and manifest “ monument of the admirable penetration, judgment and piety of St. Ignatius. He wrote his “ constitutions in Spanish ; but they were translated into Latin by his secretary, father John Polancus.” In framing them, St. Ignatius contemplated, that the members of the order should, at the same time, sanctify themselves and be actively employed in sanctifying their neighbours. “ For “ this purpose,” says father Bouhours, his best biographer, “ he set before his eyes, the two different forms of active and contemplative life : the “ former of which, after the model of Martha, is “ wholly employed in the service of our neighbour ; “ and the other, after that of Mary, is wholly

“ absorbed in the repose of contemplation. He easily
 “ discerned, that the functions of these two states,
 “ taken separately, and in their whole extent, did
 “ not agree with his design: and that he ought to
 “ choose from both, that, which was best; and to
 “ mingle them so equally, that they should help,
 “ and not obstruct one another: for, in the con-
 “ clusion, however little may be the resemblance
 “ between Martha and Mary, they still are sisters,
 “ not enemies. He took, therefore, from contem-
 “ plative life, mental prayer, the examinations of
 “ conscience, the reading of the holy scriptures, the
 “ frequentation of the sacraments, spiritual retire-
 “ ment, the exercises of the presence of God, and
 “ other similar practices of devotion. He took,
 “ from active life, all that might contribute to save
 “ and bring to perfection the souls of our neighbour;
 “ preaching, catechising, missions, as well amongst
 “ the faithful as amongst infidels; visiting hospitals,
 “ the direction of consciences, and the instruction
 “ of youth. But this last, he more particularly
 “ regarded: for, in the general corruption which
 “ then reigned, he thought he could reform the
 “ world by no better means, than infusing the love
 “ of virtue into children before they had contracted
 “ evil habits. He hoped that those young plants,
 “ growing up with christian impressions, would
 “ make innocence flourish in all states and conditions
 “ in civil life.”

The institute of the society of Jesus is comprised
 in four works written and published by St. Ignatius.
 1st. A Form for the examination of those, who seek

admittance into the Society; 2d. Its Constitutions; 3d. The Rules to be observed by its public functionaries; and 4th. Explanatory Declarations. To these, should be added, *the bulls of popes* establishing and confirming the order;—*the decrees* of subsequent congregations, and *the regulations* of subsequent generals; (among which, those of Lainez and Aquaviva are particularly respected by the order); and some other documents of authority. All of them were collected and published by the jesuits themselves at Antwerp, in nine duodecimo volumes in 1635. Those, which were written by St. Ignatius, were published at Rome in 1558 and 1559; a separate and beautiful edition of the constitutions was published at Prague in 1757, in 2 vols. folio.

The most interesting of the smaller tracts is the *Ratio atque Institutio studiorum Societatis Jesu*;—the *Editio originalis incastrata*, published in 1586, in 8vo. in collegio societatis Romæ, is a typographical curiosity, and was once sought by book collectors on the continent with marvellous avidity. For many years, the only copy of it which was known to exist, was in the library of a Dominican convent at Toulouse, in which it was most religiously preserved under lock and key and the seal of the order: three other copies of the edition have been since discovered.

The following circumstance gave rise to it: a view of the contentions produced by discordant opinions, even on questions of indifference, induced Aquaviva, then the general of the society, to assemble a committee of the order, composed of a Spanish, a

Portuguese, a French, an Austrian, a German of the north, and a Roman jesuit,—to define certain general rules for fixing the choice of opinions, when they disagreed. The committee compiled this celebrated tract :—it contained an admission, but in very guarded terms, that something like a difference from the opinions of St. Thomas of Aquin might occasionally be allowed. At this, the dominicans, feeling for the honour of their order, of which St. Thomas was a splendid ornament, and a little instigated by the Spanish jesuits, who felt for the honour of their country, which had given birth to St. Thomas, took alarm, and denounced the work to the inquisition. Upon this, the copies were called in ; and a new edition, in which the offensive passages were softened, was published in 1591 ; but even this edition is rare*.

To the generality of readers, father Juvençî's *Ratio discendi atque docendi*, 1 vol. 8vo. will appear a much more interesting and useful work : persons engaged in the study of polite literature, or employed in teaching it, will derive the greatest pleasure and advantage from the perusal of this essay ;—it is written with great taste, learning and judgment.

* See Simon's *Bibliothèque Critique*, ou *Recueil de diverses pièces critique*, publié par M. de Sainjore, vol. i. c. iv. p. 37.

XXVII. 3.

Father Persons.

FATHER Persons, the founder of the English mission of the society of Jesus, was, to use his own words, “ born in the parish of Stowey in Somerset-shire, in the year 1546 ; one year before king Henry died ; to which parish, there came soon after, out of Devonshire, to be vicar there, John Hayward, a virtuous good priest, that had been a canon regular before, and this man lived there for thirty years together, until after father Persons’s departure out of England ; who, having been his master in the Latin tongue, and liking his forwardness in learning, did ever afterwards bear a special affection towards him. His parents were right honest people, and of the most substantial of their degree among their neighbours, while they lived ; and his father was reconciled to the church, by Mr. Bryant the martyr ; and his mother, a grave and virtuous matron, living divers years, and dying in flight out of her country for her conscience*.”

About the year 1523, Persons was admitted into Baliol college in Oxford ; in 1568, he was received bachelor of arts, and soon after, obtained a fellowship ; in 1574, he was appointed bursar for fourteen years ; but soon afterwards, resigned that charge

* A Manifestation of the great folly and bad spirit of certayne in England calling themselves secular Priests, 4to. 1602.

and took his leave of Oxford. He travelled to Rome; and, in June 1575, was admitted into the society of Jesus. He became one of the chief penitentiaries in Rome, being appointed confessor in that chair, where the pope himself confessed.—His learning, particularly in all that related to the religious or civil history of his country, or the religious or civil history of the times, his mental energy, his activity, his perseverance, and his dexterity in the management both of the greatest and smallest concerns, it is impossible to deny. Bold in his schemes and fertile in his expedients; equally powerful in attack and skilful in defence, no difficulty disheartened, no danger alarmed, no resistance wearied him. His talents were often compared with those of cardinal Allen; but these extraordinary men were rather equal than alike: the gentle wisdom of the cardinal always charmed and frequently subdued his adversaries; the impetuosity and address of Persons none but the most powerful opponents could withstand. This difference in their character is alike discoverable in their writings. The compositions of the former are admirable for their tender simplicity and mild unassuming dignity: those of the latter, for their strength, vehemence, and adroitness.

The contentions in the English college at Rome have been noticed; they appear to have originated from a partiality, which Mr. Maurice Clenock, the president, a gentleman of Welch extraction, was supposed to shew to the Cambro-British members of the community. Founded or unfounded, the

notion gave great offence, and the malcontents made an application, first to the cardinal protector, and afterwards to the pope, praying that the president might be removed, and the college placed under the care of the fathers of the society of Jesus. The cardinal declared in favour of the president; the jesuits declined the office; and to support the propriety of their refusal, cited a decree of their second congregation, which directed that, "as the conduct
" of such establishments would necessarily employ
" the whole time of some of their ablest men,
" whose labours the society could not afford to
" spare, they should avoid the charge of seminaries,
" whenever it was in their power." The disturbances continuing, thirty-three of the party quitted the seminary, offering at the same time, to return to it, and to demean themselves according to rule, if they should be placed under the government of the society. This was represented to the pope, by Godwell the bishop of St. Asaph, and by sir Richard Shelley the grand prior of the English knights of Jerusalem. His holiness, in virtue of his supreme authority, commanded the jesuits to accept the presidency: they obeyed; and an Italian jesuit was accordingly appointed to the office, with the approbation of Allen, and of several other distinguished catholics. But, in 1584, a fresh scene of contention arose; Claudius Aquaviva, then the general of the society, was so disgusted with it, that he came to the resolution of resigning the college into the hands of the pope. But doctor Stapleton, (the most honourable name, after Dr. Allen's, among the

catholic secular clergy of that time), Dr. Barrett; the president of the college at Rheims, father Derbyshire, prior of the English carthusians, sir Francis Englefield, and other English exiles of eminence, remonstrated against this measure, and finally extorted from the general, a reluctant consent, that the college should remain under the government of the jesuits. A letter, which Dr. Stapleton addressed on this subject to the cardinal protector, was subscribed by twenty-one doctors and priests of the English secular clergy, and by eighty English gentlemen, then exiled abroad for their religion. The arduous task of pacifying the troubles of the college was delegated to father Persons : by a mixture of moderation and firmness, he succeeded, but with difficulty, in composing them.

His activity and talents were afterwards employed in founding other establishments on the continent, both for bringing up priests for the English mission; and for the general education of the catholic youth of England. The principal of these were the colleges of Madrid, Valladolid and Seville. Those at Madrid and Seville did not prosper; but the college of Valladolid was completed in 1589, and furnished by Dr. Allen, on three different occasions, with professors and students from the English colleges at Douay and Rheims. The three colleges, which we have mentioned, were under the direction of jesuit presidents, and furnished the society with novices, who were afterwards admitted into it, and served in the English mission.

The writer, in his researches respecting these colleges, has discovered no ground for supposing that the jesuits were blameable, in the transactions respecting the Roman college when it was taken from the secular clergy and placed in their hands : but the good policy of this measure, and of placing jesuits at the head of the secular colleges at Madrid, Seville and Valladolid, appears to him very doubtful. For, though there be no just reason to impute to the jesuits unfair dealings with the scholars, the inevitable tendency of such an arrangement was to draw the most promising youths educated in them into the society, and to leave only the refuse to the secular clergy. A similar objection might be made to the general admission of persons into the society, after they had taken orders, as, in all these cases, the expense of the clergyman's education fell on the secular clergy, the fruit, the honour, and the service to be derived from his acquirements accrued to the jesuits. The Roman see was made sensible of the objections to these late professions : pope Urban VIII, in 1625, issued a decree which provided that the alumni of the English colleges should not be admitted into any religious order, society, or congregation ; and that if they were so admitted, their vows should be null : this prohibition was repeated, and confirmed in 1660, by a brief of Alexander VIII*.

* Dodd, vol. iii. 377. In the Appendix we shall transcribe from the *British Archaeologia* (vol. xiii, p. 351), abbé Mann's brief chronological account of all the religious establishments made by the British and Irish catholics on the continent of Europe.—See Appx. note II.

In 1594, father Persons founded the celebrated college of St. Omers, the principal establishment of the English jesuits on the continent, and in 1605, a house at Louvaine, for their novices, which, in 1611, was transferred to Watten, a town in the vicinity of St. Omers. In 1616 Mr. George Talbot afterwards earl of Shrewsbury, founded for the jesuits a college at Liege, and obtained for it a considerable annual pension from the duke of Bavaria. Grammar, poetry, and rhetoric were taught in the college at St. Omers; Philosophy and divinity at Liege. In 1620, the jesuits established their professed house at Ghent; it was particularly destined for the infirm and aged, and for such as were otherwise disabled from active duty in the society. At first the jesuits sent on the English mission, were governed by a superior styled a prefect: this office was held successively by the fathers Persons, Weston, Garnet, Holtby and Walpole. In 1619, they were erected into a vice-province in conjunction with the Belgic society; in 1623, they were raised to a province: the terms in which the general conferred this distinction on them, are highly honourable to them.

In 1606, Aquaviva formed a code of regulations for the government of the jesuits on the English mission, and their foreign establishments.

The whole body of the English jesuits was to be subject to a prefect, who was to be called, the prefect of the missions; he was to be appointed by the general of the order. The rectors of the foreign seminaries were to communicate with him, and

produce their accounts to him. The foreign seminaries, says Aquaviva, and the whole cause of the English catholics, depending principally on the king of Spain, and frequent recourse to his court being on this account necessary, the prefect of the missions was ordinarily to reside in Spain, but, in his absence, some person, appointed by the general of the order, was to reside there; some jesuit also was to reside in Flanders.—He was to attend to the general concerns of the catholic body, and particularly to the concerns of the foreign seminaries; but, except on pressing occasions, he was not to intermeddle with the concerns of individuals.

Aquaviva behaved, on several occasions, with great generosity, towards the English catholics. In reply to a charge, brought against father Persons, of diverting to the use of the society, several sums of money designed for the general use of the English catholics, he thus expresses himself: “ If it can be proved, that the body of the society, “ or any man thereof, had to their use received out “ of England, not two hundred thousand crowns,” (one of the sums, which he was charged with receiving), “ but two hundred pence, to be bestowed in “ benefit of the said society, and not on Englishmen, “ or the English cause, then I am content that all the “ rest objected by the slanderers should be granted “ for true.—Mr. Charles Basset, Mr. George “ Gilbert and others left divers good sums of “ money, freely given to the said society, or to be “ disposed by them at their pleasure; and namely “ the latter of the two, left by testament, yet extant,

“ eight hundred crowns, in gift to the house of pro-
“ bation of St. Andrews at Rome: whereof, or of any
“ other such gift, the general that now is, Claudius
“ Aquaviva would never suffer any one penny to
“ be admitted, either to the use of the society or
“ to any friend of theirs, but only to be distributed
“ to Englishmen in necessity, and to the use of the
“ English cause, as it was. And the college of
“ Rheims had of this and of other money left by
“ the same gentleman, when he died, to the arbi-
“ trament of the said jesuits, two thousand crowns
“ in gold, and the body of the society never a
“ penny, as to this day appeareth by manifest
“ records*.”

The establishments thus founded and organized by father Persons, were lasting monuments of his zeal for religion, the persevering energy of his mind, his talents and his address. It is to be observed, that great harmony subsisted between him and doctor Allen; it is admitted that Persons was highly instrumental in procuring for his friend the cap of cardinal.

* Manifestation, p. 10, a.

CHAP. XXVIII.

THE DIVISION OF EUROPE AT THIS PERIOD OF THE PRESENT HISTORY, INTO A CATHOLIC AND A PROTESTANT PARTY : ITS CONSEQUENCES.

ANCIENT and modern history differ in nothing so much, as the absence of religious wars and controversies from the former, and the large space, which they occupy in the latter. During the successive periods of the Assyrian, Persian, Macedonian, and Roman empires, the grand political division of the world was, into the states within the sway of those powerful empires, and the states beyond it. At the end of the fifth century of the christian æra, by far the greater part of Europe was Roman ; but, after the death of Trajan, the Romans ceased to be conquerors ; and soon afterwards the barbarians of the north and north-east began to invade their territories on every side, and to erect on their ruins, a multitude of principalities, independent on each other, but united by the profession of a common religion, by a common regard for its interests, and by a common submission, in religious concerns, to the pope, as their common head. By degrees, Austria, France, Spain and England, became the European powers of the first order. The union of the imperial and Spanish crowns on the head of Charles V, produced confederacies against him. The French monarch was always at their head ; and Europe thus became

divided into two new parties, the Austrian and the French.

The reformation arrived : and then, according to Scheller *, “ the interests of the European states, “ which, till that time, had been national, ceased to “ be such ; and the interests of religion formed a “ bond of union, among subjects of different go- “ vernments, who, till this time, had been unknown “ to each other. A sentiment more powerful in “ the heart of man than even the love of his “ country, rendered him capable of perceptions “ and feelings which reached beyond its limits : “ the French calvinist found himself more in con- “ tact with a calvinist in England, Germany, “ Holland, or Geneva, than with a catholic of his “ own country.” This effected a new political divi- sion of Europe : France siding with the sepa- ratists from the church of Rome, and introducing to the aid of their common cause, the Ottoman power, became the real head of one party ; Austria was the head of the other. But when, upon the abdication of Charles v, his German were divided from his Spanish states, and the civil wars of France weakened her connections with the pro-

* Histoire de la Guerre de trente ans,—cited by M. de Bonald, in his interesting essay, “ De l’Unité Religieuse en “ Europe ;”—inserted in the *Ambigu* of Peltier, No. cxxv.—This journal contains several other essays of Bonald, on sub- jects of literature and history, which shew great learning, an excellent taste, and profound observation.—See also “ *Les véritables Auteurs de la Révolution de France de 1789*, 8vo. Neufchâtel, 1797.

testant powers and the Porte, Philip II. of Spain and Elizabeth of England became the conspicuous characters. Philip, with the aid of Bavaria, was the centre of the catholic system ; Elizabeth, with the United Provinces at her disposition, was at the head of the protestant. During this period, Germany, under the peaceable influence of Rudolph, took no part in the contest ; but all the temporal, and, (which was of much greater consequence), all the spiritual power of Rome, co-operated with the Spaniard, and placed the pope in the van of the catholic array. Then, if Scheller's remarks be just, the protestants in every country subject to the Spanish sway, would be partisans of Elizabeth, and every catholic in the territories subject to her dominion or controul, would be favourable to the designs of Philip and the pope. Pursuing his reasoning, it would follow, that this would be particularly the case of the clergy of each division, on account of their nearer interests in the concerns of religion ; and still more the case of the catholic clergy, on account of their intimate connection with the Roman see, and graduated dependance upon her.

Now if we examine the conduct of the foreign protestants and the English catholics by Scheller's observation, we shall find the result very favourable to the latter.—While England was at peace with France, Elizabeth supplied the protestant insurgents with men, ammunition and money, concluded an offensive and defensive treaty with them, and was put by them into possession of Havre de Grace, which commanded the mouth of the Seine,

and was, on that account, esteemed and denominated the key of France. In the same manner, while England was at peace with Spain, Elizabeth fomented the revolt of the protestant Flemings, entered into a similar treaty with them, sent them similar supplies, encouraged her subjects to outrage Philip in the European, West Indian, and South American seas and shores, and readily accepted the offer of the states of Holland, that her ambassador should be admitted into their council*.

On the other hand,—notwithstanding the illegitimacy, or at most, the dubious legitimacy of Elizabeth, notwithstanding her proscription of the catholic religion and her persecution of the catholics, notwithstanding the plausible pretension of the Scottish queen to the throne of England, and notwithstanding the sentence of deposition fulminated by the pope against Elizabeth, the practical allegiance of her catholic subjects was unshaken:—we shall afterwards have occasion to mention the exemplary loyalty of the universal body to their queen in the hour of her danger.

It may be admitted, that, while the catholics were placed under these trying circumstances, and were so unjustly and so cruelly treated, it was natural to fear their disaffection, and that state policy would, therefore, both require and justify

* These instances of Elizabeth's interference with the rebellious subjects of France and Spain, are candidly mentioned by Hume; and eloquently brought forward in the *Responsio ad edictum Elizabethæ*, noticed in a future part of this work.

precaution. Still, before guilt was committed, or the meditation of it discovered, however just it might be to hold out the terrors of persecution and punishment, the infliction of them was unjustifiable. On the other hand, prudence required from the catholics, that they should avoid every thing that could provoke suspicion, and embrace every lawful measure, which was likely to conciliate either the sovereign or the people ; that they should limit their intercourse with the see of Rome, as much as the principles of their religion allowed ; that they should have no political relations with Spain, or any other foreign power, and no intercourse with the queen of Scots ; that they should abstain from all state concerns, particularly those, which regarded the royal succession ; that they should avail themselves of every opportunity of testifying their absolute and unqualified allegiance to her majesty ; and that even in spiritual matters they should adopt, as far as the true doctrines of their religion admitted, all arrangements that would please, and avoid all that would be offensive to government. This, good sense and duty prescribed to the flock ; this, their pastors, and this, in a particular manner, the supreme pontiff of their church should have preached to them, and confirmed by words and example.

To this conduct also the government of Elizabeth should have invited her catholic subjects. They should have reflected that, while catholics peaceably obeyed the processes of her courts, cheerfully served in her fleets and armies, and did no act inconsistent with true allegiance, they filled the full measure

of a subject's duty : they should have considered, that nothing wounds the feelings, either of the informed or the uninformed, so much, as violence to their religious principles ; they should have recollected, how the catholic mind must have been lacerated by what had recently taken place ; they should therefore have been ready to excuse some intemperance, some hasty ebullitions of inconsiderate zeal ; they should not have been eager to find out what was reprehensible ; when guilt appeared, they should not have punished it on the innocent ; and, above all, they should have kept steadily in view, that crime and misdemeanor are the only just objects of penal infliction ; and that, in mere creed or mere worship, there is not, in respect to the state, either crime or misdemeanor.

Such, at the time to which our subject has now led us, ought to have been the conduct of the English catholics and protestants toward each other : how far they pursued it, will appear in the following pages.

CHAP. XXIX.

PENAL ACTS OF THE FIRST AND FIFTH YEARS OF THE REIGN OF QUEEN ELIZABETH, FOR THE DENIAL OF THE QUEEN'S ECCLESIASTICAL SUPREMACY ; AND FOR NOT CONFORMING TO THE LEGISLATIVE PROVISIONS FOR THE UNIFORMITY OF THE COMMON PRAYER.

1558—1563.

IN the history of religious persecution, the penal and sanguinary laws passed by the parliaments of queen Elizabeth, and the numerous instances, in which they were carried into execution, fill a considerable space : we shall endeavour to bring them properly before the view of the reader, so far as they directly or indirectly affected the English catholics.

1. Two such acts, each extremely penal, were passed in the first year of the queen : the first, for abolishing papal jurisdiction and establishing the queen's supremacy ; the other, for effecting uniformity of common prayer.

By the first of these statutes, archbishops, bishops, and other ecclesiastical officers or ministers, and all temporal officers and ministers, and generally all persons receiving the queen's fee, who refused to take the oath of supremacy prescribed by that act, and mentioned in a former page of this work, were incapacitated from holding any office ; and all, who denied the supremacy, were, for the first offence,

punishable by forfeiture of goods and chattels ; for the second, subjected to the penalties of a præmunire ; and for the third, rendered guilty of high treason.

None however, except persons holding ecclesiastical or civil offices, could be required to take the oath ; and none but those, who voluntarily denied the queen's supremacy, were subjected to other penalties. Thus, the operation of this act, though severe, was limited.

2. The second of the acts, which we have mentioned, enjoined all ministers to use the book of common prayer, and none other, in the celebration of the divine service ; and provided that every minister refusing to use it, or using any other, or speaking in degradation of the common prayer, should, if not beneficed, be, for the first offence, imprisoned one year ; for the second, imprisoned for life ; and if beneficed, should for the first offence, be imprisoned during six months, and forfeit a year's value of his benefice ; for the second, deprived of his benefice and suffer one year's imprisonment ;—and for the third, in addition to deprivation, be imprisoned for life. It further provided, that, if any person should speak in derogation of the book of common prayer, or prevent the reading of it, or cause any other service to be read, he should forfeit, for the first offence, one hundred marks ; for the second, four hundred ; and for the third, all his goods and chattels, and be imprisoned for life.

The operation of this statute was also limited : it affected only the protestant clergy, and persons in

general, who should speak against the common prayer-book.

3. Some disturbances attributed to catholics in the north, but which do not appear to have been of magnitude, occasioned an act to be passed in the fifth year of the reign of her majesty, by which persons maintaining the authority of the pope or the Roman see were subjected to the penalties of *præmunire*: ecclesiastical persons, fellows of colleges in the universities, and officers in the courts of justice were compellable to take the oath of supremacy under the penalty of *præmunire* for the first offence, and those of high treason for the second: and persons, who had said or heard mass, might have the oath tendered to them, and their refusal of it was punishable by the same penalties.

This act considerably extended the penal code, and operated generally on the whole body of English catholics: but it was far from being generally carried into execution.

CHAP. XXX.

BULL OF PIUS THE FIFTH, EXCOMMUNICATING
QUEEN ELIZABETH :—PENAL ENACTMENTS
AGAINST THE CATHOLICS. „

1570.

IN more than one page of his different works, the writer has taken occasion to express his opinion, that the claim of the popes to temporal power, by

divine right, has been one of the most calamitous events in the history of the church : its effects, since the reformation, on the English, Irish, and Scottish catholics have been dreadful, and are still felt by them severely. We have now to mention the bull of Pius, and the penal enactments by which it was followed.

XXX. 1.

Bull of Pius the fifth.

THE bull of Paul III, deposing Henry VIII, and absolving his subjects from their allegiance, and the arrogant answer of Paul IV. to the ambassador of queen Elizabeth, have been mentioned : we have now to notice the bull, “*Regnans in excelsis*,” of Pius V. After reciting her offences, this pope, “out of the fulness of his apostolic power, declares” “Elizabeth, being an heretic, and a favourer of” “heretics, and her adherents in the matter aforesaid, to have incurred the sentence of anathema, and to be cut off from the unity of the body of Christ.” “Moreover,” continues the pope, “we declare her to be deprived of her pretended title to the kingdom aforesaid, and of all dominion, dignity, and privilege whatsoever : and also the nobility, subjects, and people of the said kingdoms, and all others, which have in any sort sworn unto her, to be for ever absolved from every such oath, and all manner of duty, of dominion, allegiance and obedience ; as we also do, by the authority of these presents, absolve them

“ and do deprive the same Elizabeth of her pretended right to the kingdom, and all other things aforesaid ; and we do command and interdict, all and every the noblemen, subjects, people and others aforesaid, that they presume not to obey her, or her monitions, mandates, and laws ; and those, which shall do to the contrary, we do innodate with the like sentence of anathema.

“ And, because it were a matter of too much difficulty to carry these presents to all places, where it may be needful, our will is, that the copies thereof, under a public notary’s hand, and sealed with the seal of an ecclesiastical prelate, or of his court, shall carry altogether the same credit with all people, judicial and extrajudicial, as these presents should do, if they were exhibited or shewn.—Given at Rome, at St. Peter’s in the year of the incarnation of our Lord 1570, the 5th of the calends of May, and of our popedom the 5th year.”

Such was this celebrated bull, ever to be condemned, and ever to be lamented. It is most clear,—that the pope assumed by it a right, the exercise of which Christ had explicitly disclaimed for himself ;—that it tended to produce a civil war between the queen’s protestant and catholic subjects, with all the horrors of a disputed succession, and that it necessarily involved a multitude of respectable and conscientious individuals in the bitterest and most complicated distress. What could have fascinated the pontiff, virtuous and pious, as

all historians describe him, to the adoption of such a measure * !

Some months after it was published, Mr. John Felton, a catholic gentleman, affixed it to the gate of the palace of the bishop of London. He was apprehended, and tried for high treason ; he confessed the fact, was found guilty, and deservedly executed. The English catholics reprobated his conduct, and never accepted the bull. Felton himself acknowledged the guilt of the action, and begged her majesty's forgiveness.

“ The bull of pope Pius V. against queen Elizabeth,” says Strype †, “ was set up in Paris at Pont St. Estienne, containing the self-same matter, and on the same day, (March the 2d), that Felton set it up at St. Paul's, London : putting her under a curse, and all that adhered to her ; and absolving her subjects from their oath of allegiance : and those, that should obey her, to be involved under the said curse. This insolent bull may be read at length in our histories : and particularly in Camden's Elizabeth. The people of Paris flocked mightily together about it. The queen's ambassadors, then in France, were the lord Buckhurst and Mr. Walsingham, whose servant went boldly and tore it down and brought

* Pope Pius V. was beatified by Clement X. in 1672, and canonized by Clement XI. in 1712 ; his festival holds its place in the Roman calendar, on the 5th of May : but in canonizing a saint, the church is far from canonizing all his actions.

† Ann. Ref. vol. ii. p. 17.

“ it to his master, who, with the lord Buckhurst,
“ after some conference, repaired to the king and
“ immediately broke with him in that behalf. He,
“ calling Walsingham unto him, asked him the con-
“ tents of the bull : whereof being advertised, and
“ Walsingham presenting to him so much of the
“ bull as was given him by his servant, the king
“ shewed himself very much moved thereat, and in
“ such sort as that both might very well see he was
“ unfeigned : and forewith he called Lansac unto
“ him, to take order with the judge criminal for the
“ searching out of the setter-up of the same : and
“ assured the ambassadors, if by any means he could
“ be found, he should receive such punishment as
“ such a presumption required : considering the
“ good amity between him and his good sister.
“ Walsingham then shewed the king that, if he did
“ not take order in this, the like measure might be
“ measured to himself *. To which he answered,
“ that he did perceive that, very well : and that
“ whosoever he were, that should seem to ask in
“ honour any of his confederates, he would make
“ account of him accordingly. After Walsingham
“ departed from the king, Lansac told him in his

* This was verified in the person of his successor, Henry IV. While he was king of Navarre, Sixtus Quintus, by a bull signed by himself and twenty-five cardinals, excommunicated that prince, and his brother the prince of Condé, deprived them and their successors of all their states, and particularly of their rights of succession to the throne of France, and absolved all their subjects and vassals from their oath of allegiance. Daniel, *Hist. de France*, ed. 1755, tom. xi. p. 201.

“ear, that he had great cause to guess, that this
“was done by some Spanish practice.”

XXX. 2.

Penal Enactments in consequence of the Bull of Pius.

THIS proceeding of Pius could not but irritate the queen and all her subjects,—whether catholics or protestants,—who were attached to her by affection or a sense of duty. They soon produced two legislative acts :

1st. By the first, persons who affirmed that Elizabeth was not a lawful sovereign, or that any other had a preferable title,—or that she was an heretic, schismatic or infidel, or that the right to the crown and the succession could not be determined by law, were declared guilty of treason.

2d. By the latter, persons procuring or bringing in bulls or briefs from the pope, and absolving others by virtue of them, or receiving such absolutions, were declared, in like manner, guilty of treason ; their aiders and abettors were made guilty of the penalties of a præmunire ; persons concealing them for above six weeks were punishable for misprision of treason ; and priests bringing Agnus Dei's and similar articles, blessed by the pope, or by his authority, to which pardons or immunities were annexed, were subjected to the penalties of præmunire.—In the construction of this act, it appears to have been understood that the absolutions, which it mentions, did not denote absolutions, given in sacramental

confession, but those absolutions only which were granted by special faculties.

The statutes, which we have mentioned, were abundantly severe : but government was not active in putting them in force. It is observable, that father Persons, in his *Philopater*, in which queen Elizabeth is mentioned in the very bitterest language of contumely, mentions her disposition to be naturally kind and humane ; that the *Brief Historical Account of the Jesuits**, cites passages from father Persons and father Cresswell, acknowledging the lenity of queen Elizabeth at the beginning of her reign, and that both in the "supplication" presented by the English catholic gentlemen, and the "supplication" presented by the English catholic clergy to king James, upon his accession to the throne of England, it is expressly said that "the queen always professed to punish none for religion ; and that the first twelve years of her reign, as they were free from blood and persecution so were they fraught with all kind of worldly prosperity." Yet the whole catholic body suffered much during that period ; but the dreadful scenes, which followed, caused them to look back to those years, however sorrowful, with regret.

* P. 21. A copy of this work is in the library of the British Museum.

CHAP. XXXI.

MISSIONARY PRIESTS AND JESUITS :—ACT OF THE
TWENTY-THIRD YEAR OF THE REIGN OF QUEEN
ELIZABETH.

1580.

AS the missionary establishments of the English catholics on the continent were always a prominent article in the justification of the penal code of Elizabeth, they require particular attention in these pages: we shall therefore lay before the reader, I. Some extracts from the writings of father Persons and cardinal Allen, which shew their nature;—we shall then notice the charge brought against them by Hume, and suggest an answer to it: II. We shall afterwards give some account of the first proceedings of the missionary priests and jesuits: III. And succinctly state the penal enactments of the statute of the 23d year of queen Elizabeth against them.

XXXI. 1.

Extracts from the writings of Father Persons and Cardinal Allen, which show the nature of the Missionary Institutions :—Hume's Charge against them, and an Answer to it.

THE foundation of the principal foreign seminaries has been already noticed: the internal administration of them was certainly excellent.

“ Whether you look,” says father Persons, “ to the manners, or to the learning of their inmates,

“ **you** will find that nothing can be devised more
“ perfect or more worthy of a christian; never, in my
“ opinion, did England, in the time of its greatest
“ prosperity, behold any thing more excellent.
“ None are received into them without a consider-
“ able degree of previous probation, none, whether
“ they are come to us from heresy or catholicity,
“ are admitted without a previous general confession
“ of their sins, and making a firm resolution to avoid
“ evil and do good, during the whole remainder of
“ their lives. The dress is decent, the food mode-
“ rate; and the dress and food of all are alike: all
“ live in seclusion from the world and its concerns;
“ the inmate of the seminary never passes its walls,
“ except to attend the public lectures, or sermons,
“ or for the innocent recreation of a walk in the
“ fields: but none quit the seminary without a
“ companion, or leaving his name with the porter.
“ Of the twenty-four hours, seven or at the utmost
“ eight, are given to sleep; three, to meals and
“ relaxation; and thirteen, to meditation, prayer
“ and study. The day begins and ends with
“ prayer; and all hear mass every day: they fre-
“ quently confess their sins to the priest, and
“ generally, on every eighth day, receive the holy
“ communion.”

Such was the internal economy of these seminaries in the time of Persons; such, it continued till the extinction of them at the French revolution.

[Cardinal Allen's account of these edifying seminaries, will be found in vol. i. c. 19. s. 4. p. 240. of these *Memoirs*.]

XXXI. 2.

*First Proceedings of the Missionary Priests
and Jesuits.*

THE general condition of the English catholics now became worse every day : a multitude of spies were employed by government to watch their conduct and discourse, and discover their domestic and foreign relations. These sometimes pretended to be catholics, and conformed to the rites and obligations of the catholic religion : some crossed the seas and insinuated themselves into the confidence of individuals ; they even found admittance into the catholic colleges ; they caused drawings and paintings to be made of persons obnoxious to the queen and her ministers, or respecting whom they were particularly solicitous to procure information. When father Persons and father Campian were expected in England, the custom-house officers, in every port, at which it was thought likely they would land, were furnished with drawings of them, that they might discover and apprehend them immediately on their arrival.

The missionary priests lived in a constant state of concealment and terror : there generally was in the catholic houses, where they resided, a place to which, in case of an hostile search for him, the priest might retire : great precautions were used in the admission of persons to assist at the divine service ; and generally, some confidential servant was upon the watch to observe who approached the house.

Sometimes the priests hid themselves in obscure caves or excavations in fields or woods : a tangled dell in the neighbourhood of Stonor Park near Henley on Thames is yet shewn, in which Campan wrote his "Decem Rationes;" and to which books and food were carried by stealth.

Notwithstanding these severe restraints and precautions, missionary duty was actively discharged : time even was found for writing, and means devised for circulating books of devotion and controversy. "Doctor Whittaker," says Dodd*, "and other learned men of our universities thought it justice to own, that the English clergy, though but a handful, and labouring under infinite disadvantages, had distinguished themselves beyond any other part of the church of Rome : " this expression shews the general opinion, which was entertained of the literary labours of the English catholic divines, by their adversaries. Some catholics however frequented the court; a few were advanced to places of high honour and trust, several filled subordinate offices. The act of the first of the queen excluded catholics from the house of commons ; but, till the 25th year of the reign of Charles II, they always sate and voted in the house of lords.

Such was the general state of the English catholics when, in 1580, the missionary jesuits first arrived in England. A letter of St. Ignatius to cardinal Pole, the cardinal's answer, and his letter of condolence to father Lainez, on the death of

* Secret Policy, p. 3.

St. Ignatius *, shew the esteem which the cardinal had for the holy father and his institute ; and that St. Ignatius had entertained thoughts of sending priests of his order into England. In the first of these letters†, (which was written in 1555), after mentioning the flourishing state of the society, then in its infancy, St. Ignatius informed the cardinal, that it possessed one English and one Irish student, and suggests that if the cardinal would send him some youths, properly qualified and disposed, the society would soon restore them to their country, well instructed in religion and learning, and full of veneration for the holy see.—It is said, that he foretold that English jesuits would be erected into a province. At a subsequent time, father Ribadneira and another jesuit, both of them Spaniards, reached England ; but perceiving that their ignorance of the language was an insuperable bar to the success of their missionary labours, quitted it almost immediately.

Soon after cardinal Allen had established his seminary at Douay, he requested father Mercurianus, the general of the society, to send some of its members upon the English mission. It appears from Bartoli‡, that the general was averse from the pro-

* In cardinal Quirini's collection of the letters of cardinal Pole, tom. v. p. 117–121. Some readers of these pages, will think with father More (Hist. p. 1), non postremum, Angliæ locandum est malis, quod societatem Jesu didicit prius odio habere, quamquid odio prosequeretur, agnosceret.

† Ist. p. 10, 11.

‡ Bartoli's words, (Ist. p. 78), are very remarkable:—"It was easy to foresee that, whether few or many of our society

posal, being very apprehensive that it would offend the protestants, and raise divisions among the catholics; but pope Gregory XIII. enforced Allen's request*.

"were in England, great commotions must necessarily arise both among the catholics and the protestants. This was so true, that soon after the arrival of the two first,—(as we shall presently see),—there were more disputes on that subject, than on any other, as well among the catholics as among their adversaries; and this is precisely what Persons wrote to us at the time 'It is expected,' (these are his words),— 'that the persecution of the catholics will be redoubled, and that new and more sanguinary edicts will be issued against the missionary priests and the catholics in general, as the government of that kingdom is in the hands of protestants; and this we shall see fulfilled soon after the two first of our society shall have set foot in England.'— Now, if we, by our own free will, had acted in that kingdom on the first application, as we did afterwards, I am induced (by experience), to believe that the disputes and altercations which must have ensued thereupon, and the consequent appeals to the judges and tribunals against such proceedings, would have subjected us to much censure, not only for imprudence and rashness, but also for creating disturbances in places, where (as all would have then said), every thing, till the time, was tranquil; and in the end would have caused us either to have been recalled, or would have forced us away."

* This account, which we have taken from Bartoli, is confirmed by Sanders: "Because the fathers of the society of Jesus were very much talked of among catholics, for their excellent method in bringing up children for their institute, for their learning and the manifold grace with which they shone both with God and men, and because the English were particularly desirous they should be employed on that mission, earnest application was made to their superiors, who were at last wrought upon, (the pope himself having

In obedience to the pope's command, the general of the society gratified Allen by ordering father Persons and father Campian into England. The former has been mentioned ; the latter was born of protestant parents ; was first educated at Christ's hospital, and thence removed to St. John's college, in Oxford, where he took the order of deacon in the church of England. A public oration, which he delivered in the presence of queen Elizabeth, was greatly admired, and attracted the particular notice of her majesty, who sent the earl of Leicester to inquire into his views, and assure him of her favour. Soon afterwards he embraced the catholic religion, and went to Ireland ; but understanding that orders for his apprehension were issued, he fled to Flanders, and was received into the college of Douay, ordained priest, and made professor of divinity in that university. He then entered into the society of Jesus ; and, for some time, taught divinity in the university of Prague. Wherever he went he was equally respected for his eminent learning and piety, and beloved for his obliging disposition and unassuming manners.

With the pope's benediction, the two missionaries quitted Rome on the Sunday after Easter, in the year 1580. Two or three other priests of the society accompanied them ; all were placed under obedience to Persons. Before they proceeded on their mission, Mercurianus, the general, delivered

“ thought fit to interpose his authority in this affair), to send
“ some of their ablest missionaries, particularly English, into
“ the harvest.” Sanderus de Schism. Ang. l. iii. p. 188.

to them instructions to regulate their conduct ; these ordered them, explicitly, to avoid, in a particular manner, all discussion, either by word of mouth or in writing, of any thing which related to the public concerns of the kingdom *. It is observable that, in an excellent letter, which Aquaviva the general of the society, addressed to the English members of it, in 1607, he strongly enjoined them, (which, he says, he had often done before), to abstain from political conversations †. The whole letter is written in a spirit of moderation and piety : Aquaviva was one of the greatest men whom the society has produced.

Persons and Campian took with them an important document ;—it has been mentioned in a former part of this work, that the bull of Pius forbade the subjects of Elizabeth to obey her, or her laws ; and involved those who should so obey, in the sentence of excommunication, which it pronounced against her. On an application from Persons and Campian, pope Gregory XIII, the successor of Pius, granted, that the bull should, from that time, be understood in this manner,—“ that it should “ always oblige the queen and heretics ; and should “ by no means bind catholics, as matters then stood ;

* “ *Acceptis ab Everardo Mandatis de re catholicâ per nostri instituti ministeria diligenter procurandâ, atque non minori diligentia vitandâ omni rerum, quæ ad regni publica negotia pertinerent seu verbo seu scripto tractatione.*” More, l. iii. p. 61.

† Juvenci, lib. xiii. p. 5, s. 70.

“ but thereafter bind them, when some public execution of the bull might be had or made *.

This has been termed a mitigation of the bull of Pius : now, in respect to Elizabeth and her heretical subjects, it scarcely deserves this description ; and, as it recognizes the principle of the bull of Pius, and suspends the action of it only till circumstances made an execution of it feasible, it was scarcely less reprehensible than the bull itself : still it quieted some scruples, and had something of a pacific tendency.

Always respectable and attractive, the society of Jesus had, at this time, all the charm, which first fervour and novelty can confer : the missionaries, particularly Persons and Campian, were hailed both by the clergy and laity of England, as angels descended from heaven.

A meeting of the jesuits and the missionary priests now took place, and by the desire of all, Persons presided. Bartoli† informs us, that he particularly called the attention of the meeting to three points. 1st. He told them that it had been reported abroad, that he and Campian had been sent to England, in consequence of a league entered into by the catholic princes against her majesty ; and that the business of him and his

* *Ut obliget semper illam et hæreticos ; catholicos vero nullo modo obliget, rebus sic stantibus ; sed tum demum quando publica quædam executio fieri poterit. Datum 14 Ap. 1580. Lord Burleigh's Execution of Justice for Treason, p. 12, 13. Jesuits Memorial, p. 26. Card. Allen's Admonition, c. 2.*

† *Bart. Istoria.*—More, p. 64. .

companion was, to draw the nobility into plots ; to make parties among the people, and, under the pretence of religion, to manage and model matters of state. To clear themselves from such imputations, he assured them, (swearing by his faith) *, that they had no such intention ; or any other commission, than to co-operate with the secular clergy, in procuring the conversion of England, by those means only which properly belonged to priests. As to affairs of state, he read to them the severe charge, which their general Mercurianus had given them, at parting ; and which we have mentioned in a former page.—“ Not,” said Persons, “ that we “ would have meddled in those matters if it had “ not been forbidden us ; but we wish that by “ making public the general’s charge, we may prevent all, who are informed of it, from starting “ such discourses in future.”

He then called their attention to the recent decision at Trent, respecting the unlawfulness of the attendance of catholics at the divine service in protestant churches, and strongly recommended their observance of it.

He then noticed a point, which had created some unpleasant altercation between the old priests and the new comers. The former, who remembered the church of England in her splendour, were naturally attached, with warm affection, to her discipline and customs ; the latter, who came from the mother and mistress see, full of zeal and devotion to her, wished that every thing should conform to

* E sotto fide giurato certificollo.

her rules and practices. On this principle they wished that the fasts peculiar to England, though they had never been abrogated by any spiritual authority, and though they had been recognized and restored by cardinal Pole, should be abolished. This shocked the feelings of the venerable old priests. Great and warm disputes took place, and there was a great diversity of practice. It was agreed to leave the matter to father Persons : his judgment upon it, was dictated by good sense and moderation ; he admitted the propriety of adhering, as much as possible, to the ancient customs of the English church ; but observed, that the events of the times had rendered an absolute and unqualified observance of them impracticable : he therefore recommended, that, where the customs had been continued, they should be retained ; that, where they had been interrupted, they should not be restored ; and that neither party should blame the practice of the other. The decision was generally approved. Two years, however, after this time, father Heywood, the superior of the jesuits, made an attempt to break through this arrangement, and to conform the fasts to the Roman style ; this gave offence ; he was blamed by his superiors, and recalled *.

The reverend father then called the attention of the meeting to a matter of much greater importance : some parts of the kingdom, he observed to them, abounded in priests, while there was a great scarcity in others : he therefore suggested the abso-

* Bart. p. 277.

lute necessity of a more equal re-partition of the clergy. Upon this, many of the priests placed themselves, under his direction, in a kind of religious subjection to him *, and offered to go and labour in any manner, and at any place, which he should prescribe to them. This, though attended with many salutary consequences, particularly that of distributing the missionaries more equally, and introducing an organized system of regularity and subordination among a great portion of them, was considered by some who did not join the new discipline, to be objectionable, as it tended, in their opinion, to divide the body, particularly its clerical members, into parties, and was therefore likely to produce a spirit of rivalry, that, at no distant time, would degenerate into contention; they also observed, that it necessarily operated to give father Persons and his adherents an ascendancy, in the concerns of the mission, which could not be pleasing to the missionaries, who should remain on the ancient footing.

Still, the mission prospered, and the clerical adherents of each band laboured in the general cause, with a zeal and circumspection that were equally edifying and prudent: several conversions were made: those of lord Compton, Mr. Catesby and Mr. Tresham by father Persons†, were particularly noticed.

* Non altramente che sudditi. Bart. p. 277.

† More, p. 74.—The same author, in a subsequent part of his work (p. 152), takes notice of an observation which was made, at that time, that the members of the society of Jesus could not, consistently with the nature of their institute,

The queen and her ministers now began to express their alarm at the influx of missionary priests from the foreign seminaries. Prosecutions of them were ordered, searches for them directed, proclamations against them issued, inquiries made for those, who had sent their children abroad for education, injunctions for their immediate return published, penalties denounced against the missionary priests, particularly mentioning the jesuits, —against those, who harboured them, and against all, who quitted the kingdom without the queen's licence; and rewards were offered for the discovery of offenders.

Government were singularly desirous of apprehending Persons and Campian. We have mentioned their arrival in England: it took place

engage in missionary labours, except in a kind of subordination to the secular clergy. "But whence comes the mighty difference," he asks, "between the regular and the secular clergy, that, in the work of the salvation of souls, we cannot act on an equality? We decline, as by our rule of obedience we are bound to do, all ecclesiastical dignities: but little or rather no dignity in the external forum, has been granted to any priests in England.—As far as divine grace allows, the precept to assist the souls of men, is given to all in common, and requires no external jurisdiction; and in this, all of us who are sent on the mission, industriously employ ourselves as opportunities offer. The same Lord has appointed us workmen in his vineyard. From the same fountain, the ancient privileges of the religious orders, and the new privileges, accommodated to this mission, are derived. Perhaps even these missions might, with greater propriety and greater convenience, (let not the expression offend), be entrusted to members of our society than to other men."

towards the end of June 1580. They met soon afterwards in London : each, in concert with the other, addressed a letter to the privy council. The letter of Persons is lost ; that of Campian is preserved : he gave a copy of it to one of his friends, with directions to preserve it secret, unless his friend should hear of his imprisonment ; and then to print it. His friend incautiously printed 1,000 copies of it before Campian's apprehension, and it thus became public. By it, he briefly informed the council of his arrival, and of the object of his mission ; and earnestly solicited, that he might be permitted to propound, explain and prove his religious creed, first, before the council ; then, before an assembly of divines of each university ; and afterwards, before a meeting of graduates in the civil and canon law. " As touching the society of Jesus, be it known to you," he said in his letter, " that we have made a league ;—all the jesuits in the world, whose succession and multitude must overreach the practices of England,—for bearing the cross that you shall lay upon us, and never to despair of your recovery, while we have a man left to enjoy your Tyburn, or to be racked with your torments, or be consumed within your prisons : expenses are reckoned : the enterprize is begun, it is of God : it cannot be resisted : so the faith was planted ; so, it must be restored *."

The spirit of this letter may be admired ; its prudence must be questioned ; it gave great offence :

* Strype, Ann. vol. iii. ch. 3.

father Campian himself, in a letter to Mercurianus the general, says, that “ the publication of it put “ the adversaries of the catholics into a fury *.” The queen and her ministers were highly incensed : Bartoli informs us of the terrors of the catholics in consequence of it. “ A report,” he says, “ of a “ very alarming nature was spread,—that, early in “ the winter, the parliament would be convened, “ and that the measures to be proposed in it, would “ be so sanguinary, that, if they should be carried “ into execution, the catholics would be reduced, in “ all probability, to the extreme of misery.”

XXXI. 3.

*The Act of the twenty-third year of queen Elizabeth
against Missionary Priests and Jesuits.*

Soon after these letters were written by Persons and Campian, they separated ; the former remaining in London, the latter repairing to a northern part of England : they met afterwards at Uxbridge : a proclamation against them was issued : Persons fled to the continent ; Campian was apprehended : an account of his trial and execution, will be the subject of a subsequent chapter.—We shall now present the reader with an abstract of the legislative enactment, which speedily followed the transactions we have mentioned.

It recites that divers evil affected persons had practised contrary to the meaning of the statute of the thirteenth year of her majesty's reign, by other

* Bridgewater's Concertatio, p. 4.

means than by bulls or instruments, to withdraw divers from their obedience to her majesty, and to obey the usurped authority of Rome: for reformation of which, and to declare the true meaning of that law, it was enacted,—that all persons, who had or should pretend to have power, to absolve or withdraw any of her majesty's subjects from their natural obedience to her majesty: or to withdraw them from the established religion, to the romish religion, or who should move them to promise any obedience to any pretended authority of the see of Rome, or to any other potentate; or do any overt act to that purpose, should be adjudged traitors, and suffer and forfeit, as in the case of high treason. Persons absolved, and their aiders and abettors, and persons knowing and not disclosing these practices were rendered guilty of misprision of treason. Every priest saying mass was to forfeit 200 marks, every person hearing it, 100; and each was to be imprisoned for a year, and till he paid the fine. Every person, above the age of sixteen years, who should forbear from going to church, to the common prayer, contrary to the act of the 1 Eliz. c. 2, was, upon conviction, to pay 20 *l.* for every month; and, if he should absent himself from it during a whole year, he was to be bound in 200 *l.* sterling, for his good behaviour. Persons keeping schoolmasters, either not conforming, or unlicensed by the bishop of the diocese, were to pay, for every month, 10 *l.* and the schoolmaster was to be imprisoned for a year.

CHAP. XXXII

Vol. I. c. 20. p. 246.

~~ALLEGED~~ PLOTS OF THE ENGLISH CATHOLICS
AGAINST QUEEN ELIZABETH.—PENAL ACT OF
THE TWENTY-SEVENTH YEAR OF HER REIGN.

1584.

XXXII. 1.

Vol. I. c. 20. s. 1. p. 247.

*The Insurrections of the earls of Northumberland and
Westmoreland.*

XXXII. 2.

Vol. I. c. 20. s. 2. p. 247.

The Treason of Francis Throckmorton.

XXXII. 3.

Vol. I. c. 20. s. 3. p. 249.

Doctor Parry's project of Assassination.

XXXII. 4.

Vol. I. c. 20. s. 4. p. 254.

Somerville's Plot.

XXXII. 5.

Vol. I. c. 20. s. 5. p. 255.

Babington's Plot.*

* "Was any jesuit," father Persons asks, "actor, counsellor, consenting or privy to Babington's conspiracy? If that blessed man, whom they insinuate, (now a martyr), † did go about to mitigate the matter to her majesty, (they being all catholic gentlemen that died for the same), and did also signify, that Mr. Walsingham had, for divers months,

† The writer has not discovered to whom, or to what circumstance, Persons alludes in this place.

XXXII. 6.

*Vol. I. c. 20. s. 6. p. 257.**The Result :—Act of the twenty-seventh year of the reign of queen Elizabeth.*

CHAP. XXXIIL

Vol. I. c. 18. p. 176.

PERSECUTION OF THE CATHOLICS.

XXXIII. 1.

*Vol. I. c. 18. s. 2. p. 177.**Probable amount of those, who suffered Death in the reign of queen Elizabeth under the Laws then enacted against the Catholics.*

XXXIII. 2.

*Vol. I. c. 18. s. 3. p. 180.**The Torture.*

XXXIII. 3.

*Vol. I. c. 18. s. 4. p. 184.**Trial and Execution of father Campian.*

“ the knowledge and notice of that association, as it is most
 “ certainly known that he had, by the confession of divers
 “ that dealt with him therein, and thereby also most probable
 “ that the poor gentlemen were drawn thereunto by his malice
 “ and craft ; what is this, we say, to prove that any jesuits
 “ were any dealers, attempters or counsellors thereof? Was
 “ there any jesuit so much as named in all the process against
 “ them, at the bar or otherwise? Were not D. Allen and
 “ F. Persons, F. Holt and F. Creswell, all at Rome, or at Naples,
 “ at that time, and no one jesuit remaining either in France or
 “ Flanders to treat with any in that affair ?” *Manifestation,*
 p. 43.

CHAP. XXXIV.

Vol. I. c. 19. p. 192.

REASONS ASSIGNED TO JUSTIFY THE JUDICIAL
PROCEEDINGS AGAINST THE CATHOLIC PRIESTS.

XXXIV. 1.

Vol. I. c. 19. s. 1. p. 193.

The Maintenance of the Deposing Doctrine by the Missionary Priests:—and their Deference to the Bull of Pius V.

XXXIV. 2.

Vol. I. c. 19. s. 2. p. 199.

Unsatisfactory Answers of the Priests to the six Questions on the Deposing Power of the Pope, proposed to them by the Queen's Commissioners:—Division of Opinions of the Clergy on this subject.

CHAP. XXXV.

THE ARMADA.

CONDUCT OF THE ENGLISH CATHOLICS.

1588.

WE are now arrived at an event, which every Englishman surveys with exultation:—it was a trying circumstance to the English catholics; but even in the opinion of their adversaries, their conduct in it did them honour.

For a considerable time, Philip II. had been employed in making preparations for some enterprize both by sea and land of no common magnitude: Towards the close of the year 1587, it became public, that the object of it was the invasion of England: troops from every part of Europe subject

to the power or control of the monarch, were assembled and kept in readiness for embarkation : and such a navy was formed as had never before its equal : the ostentation of the Spaniards, and, it may be added, the general opinion and voice of the continent, denominated it The invincible Armada. We shall lay before our readers, I. The bull of Sixtus Quintus, which it was intended to publish as soon as the Spanish troops should make good their landing ; and cardinal Allen's notification of it to the English catholics : II. His admonition to them : III. And their conduct.

XXXV. 1.

Bull of Sixtus Quintus.

RELIGION,—too often drawn, by politics, from the path prescribed to her by her Divine Founder,—was, on this occasion, too successfully invited by Philip II. to aid his ambitious projects. The celebrated Sixtus Quintus then filled the pontifical chair. Born in the lowest situation of life, he had raised himself to that commanding eminence, by his abilities. He filled it with dignity : but no pope either entertained higher notions of the prerogatives of the holy see, or enforced them with greater boldness. While the armada was almost ready to sail, he granted to Philip a bull, with directions for the publication of it as soon as the Spanish army should land in England : but cardinal Allen was ordered to notify, in the mean

time, the contents of it to the English catholics. He did it by a small pamphlet intituled,

“ * The Declaration of the Sentence of Sixtus
“ Quintus.”

It begins with calling “ the queen’s government
“ impious and unjust ; herself an usurper, obstinate
“ and impenitent, and so no good to be expected,
“ unless she should be deprived.

“ Therefore pope Sixtus V, moved by his own
“ and his predecessors zeal, and the vehement
“ desire of some principal Englishmen, hath used
“ great diligence with divers princes, especially
“ with the Spanish king, to use all his force, that
“ she might be turned out of her dominions, and
“ her adherents punished. And all this for good
“ reasons.

“ Because, she is an heretic, schismatic, is ex-
“ communicated by former popes ; is contumacious,
“ disobedient to the Roman bishop, and hath taken
“ to herself the ecclesiastical jurisdiction over the
“ souls of men.

“ Because she hath, against all law and right,
“ usurped the kingdom ; seeing none must be
“ monarchs of England, but by the leave and con-
“ sent of the pope.

“ Because she hath committed many injuries,
“ extortions, and other wrongs against her subjects.

“ Because she hath stirred up seditions and

* Thuanus, Hist. l. 89. Meteren, Hist. du Pays Bas, Haye, 1681, l. 15. Foulis, 2d edit. 350 ; Purchase’s Pilgrims, vol. x. s. 11.

“ rebellions, between the inhabitants of neighbour
“ countries.

“ Because she hath entertained fugitives and
“ rebels of other nations.

“ Because she sent and procured the Turks to
“ invade christendom.

“ Because she persecuted the English romanists,
“ cut off the queen of Scots, and abolished the
“ Roman religion.

“ Because she hath rejected and excluded the
“ ancient nobility, and promoted to honour obscure
“ people ; and also useth tyranny.

“ Wherefore, seeing these offences, some of them
“ rendering her incapable of the kingdom, others
“ unworthy to live ; his holiness, by the power of
“ God and the apostles, reneweth the censures of
“ Pius V, and Gregory XIII, against her ; excom-
“ municates and deprives her of all royal dignity,
“ titles, rights and pretences to England and
“ Ireland ; declares her illegitimate and an usurper
“ of the kingdoms, and absolves all her subjects
“ from their obedience and oaths of allegiance due
“ to her.

“ So he expressly commandeth all, under pain
“ and penalty of God's wrath, to yield her no
“ obedience, aid or favour whatsoever ; but to
“ employ all their power against her, and to join
“ themselves with the Spanish forces, who will not
“ hurt the nation, nor alter their laws or privileges,
“ only punish the wicked heretics.

“ Therefore by those presents, he declares, that
“ it is not only lawful, but commendable, to lay

“hands on the said usurper, and other her adherents; and for so doing, they shall be well rewarded.”

“And lastly, to all these Roman assistants, is liberally granted a plenary indulgence and remission of all their sins.”

XXXV. 2.

Cardinal Allen's Admonition to the Nobility and People of England.

THE declaration of the sentence of Sixtus Quintus was accompanied by an admonition “addressed to the nobility and people of England:” this too was the production of cardinal Allen.

The following account of it is given by Fuller *;—it accords with extracts given of it by other authors †.

* Fuller's Church History, cent. xvi. p. 196, s. 24.

† See “The important Considerations,” and “Quodlibets” of Watson:—these works are highly blameable for their virulence, and misrepresentations;—but they contain several curious and interesting facts and reflections, particularly on cardinal Allen's unfortunate conduct on this occasion, and several extracts from his “Admonition.”—Some extracts from it are also inserted in the late Mr. Andrews's continuation of doctor Henry's History.—Mr. Charles Plowden's fair extenuation of Allen's conduct and writings in his answer to the Memoirs of Panzani, has been inserted by the present writer in the Historical Memoirs, 2d ed. vol. i. p. 200. Historical truth is never to be violated,—even by concealment; but it is as much the duty of an historian to admit just extenuation, as it is to avoid unjust aggravation.

“ 1. The authors make their entrance into the
“ discourse, with a most odious and shameful decla-
“ mation against her majesty, stirring up her sub-
“ jects hearts to contempt of her highness, as being
“ one odious to God and man.

“ They threaten the nobility, gentry, &c. with
“ loss of all their goods, their lands, their lives, and
“ with damnation besides ; except that presently,
“ upon the landing of the Spaniards, they joined
“ themselves, and all their forces, men, munition,
“ victuals, and whatsoever else they could make with
“ their catholic army. ‘ Forsooth,’ (for the words be
“ these), ‘ If you will avoid’ (say they), ‘ the pope’s,
“ the king’s, and other princes high indignation ;
“ let no man of what degree soever, abet, aid, de-
“ fend or acknowledge her, &c. adding that other-
“ wise, they should incur the angels curse and
“ malediction, and be as deeply excommunicated as
“ any, because that in taking her majesty’s part,
“ they should fight against God, against their law-
“ ful king, against their country, and that notwith-
“ standing all they should do, they should but
“ defend her highness bootless, to their own present
“ destruction, and eternal shame.’

“ 2. After all those, and many other such threats,
“ in a high and military style, to scare fools with,
“ then they come to some more mild persuasions,
“ and promise the noblemen, that so they join with
“ the duke of Parma upon the receipt of their ad-
“ monition, they will entreat that their whole houses
“ shall not perish. For persons did instigate the

“ English cardinal to swear by his honour, and on
“ the word of a cardinal, that in the fury of their
“ intended massacre, there should as great care be
“ taken of every catholic and penitent person, as
“ possibly could be, and that he was made a cardi-
“ nal of purpose to be sent then into England for
“ the sweet managing of those affairs.

“ 3. Other arguments they used drawn from the
“ certainty of the victory, as that all the protestants
“ would either turn their coats, copies, arms, or fly
“ away, in fear and torment of the angel of God
“ prosecuting them ; that although none of her
“ majesty’s subjects should assist the Spaniards, yet
“ their own forces, which they brought with them,
“ were strong enough, their provision sufficient,
“ their appointment so surpassing : that they had
“ more expert captains, than her majesty had good
“ soldiers, all resolute to be in the cause, which
“ they had undertaken : that the blood of all the
“ blessed bishops shed in this land, and all the saints
“ in heaven prayed for the Spaniards victory : that
“ all the virtuous priests of our country, both at
“ home and abroad, had stretched forth their sacred
“ hands to the same end : that many priests were
“ in the camp to serve every spiritual man’s neces-
“ sity : that their forces were guarded with all
“ God’s holy angels ; with Christ himself in the
“ sovereign sacrament, and with the daily most holy
“ oblation, of Christ’s own dear body and blood :
“ that the Spaniards being thus assisted with so
“ many helps, though they had been never so few

“ they could not lose, and that her majesty and her
 “ assistants wanting these helps, although they were
 “ never so fierce, never so proud, never so many,
 “ never so well appointed, yet they could not pre-
 “ vail. Fear you not, (say they to such as would
 “ take their part), they cannot.”

The general mildness of Allen's character and general wisdom and moderation of his councils were admitted by his contemporaries as well protestant as catholic. On this occasion, to repeat words, which we have already used, he permitted his better reason to submit to authority. But, notwithstanding the great and habitual reverence of the catholics for his talents and his virtues, so little did they defer to his admonition, that Wright, a priest of his own college at Douay, maintained the contrary doctrine in the most explicit terms, and supported it by the boldest arguments *.

It should be observed, that from the writings of father Persons, it appears, that he quitted Madrid in 1585, soon after the preparations for the armada begun; and did not return to Madrid till 1589, the year after its defeat.

XXXV. 3.

Conduct of the English Catholics during the threatened Invasion.

SUCH was the information, such the advice given at this time to the English catholics, by persons,

* Stowe, Annals, vol. iii. app. lxx.

from whom, if they had been influenced by the true spirit of the gospel, or had even juster notions of the real interests of the English catholics, very different counsel would have been received : it now remains to shew how the catholics acted.

Warmly attached to their faith, which had twice rescued their country from paganism ; and under which, during a long series of centuries their ancestors had enjoyed every spiritual and temporal blessing ; they now beheld it proscribed ; its tenets reviled, its sacred institutions abolished, its holy edifices levelled with the ground, its altars profaned ; all, who professed it, groaning under the severest inflictions of religious persecution ; imaginary plots incessantly imputed to them ; the subtlest artifices used to draw them into criminal attempts ; “ counterfeit letters *, privately left in their houses ; “ spies sent up and down the country to notice their “ discourses, and lay hold of their words ; informers “ and reporters of idle stories against them countenanced and credited ;” and even “ innocence “ itself,” (to use Camden’s own words), “ though “ accompanied by prudence, no guard to them :” they had constantly before their eyes the racks and gibbets, by which their priests had suffered, and they saw other racks, and other gibbets, preparing for them ; they saw the presumptive heir to the crown brought to the block, because she was of their religion, and because, as she was formally told by lord Buckhurst, “ the established religion

* Carte’s History, vol. iii. p. 585.

“ was thought not to be secure whilst she was in “ being ;” they knew the universal indignation which this enormity had raised in every part of Europe against their remorseless persecutor ; that Pius V, the supreme head of their church, had excommunicated her, had deposed her, had absolved them from their allegiance to her, and implicated them in her excommunication, if they continued true to her ; they knew that Sixtus, the reigning pope, had renewed the excommunication, had called on every catholic prince to execute the sentence, and that Philip II, by far the most powerful monarch of the time, had undertaken it ; had lined the shores of the continent with troops, ready at a moment’s notice, for the invasion of England, and had covered the sea with an armament, which was proclaimed to be invincible :—in this awful moment, when England stood in need of all her strength, and the slightest diversion of any part of it might have proved fatal, the worth of a catholic’s conscientious loyalty was fully shewn. What catholic in England did not do his duty ? Who of them forgot his allegiance to the queen ? or was not eager to sacrifice his life and his whole fortune in her cause ? “ Some,” says Hume, “ equipped ships at their own charge, and “ gave the command of them to protestants ; others “ were active in animating their tenants, and their “ vassals, and neighbours, in defence of their country ;”—“ some,” (says the writer of an intercepted letter printed in the second volume of the *Harleian Miscellany*, p. 64), “ by their letters to the council,

“signed with their own hand, offered, that they
“would make adventures of their own lives in
“defence of the queen, whom they named their
“undoubted sovereign lady, and queen, against all
“foreign foes, though they were sent from the
“pope, or at his commandment; yea, some did offer
“that they would present their bodies in the fore-
“most ranks.” Lord Montagu, a zealous catholic,
and the only temporal peer, who ventured to oppose
the act for the queen’s supremacy, in the first
year of her reign, brought a band of horsemen to
Tilbury, commanded by himself, his son, and his
grandson: thus periling his whole house in the
expected conflict* :—the annals of the world do
not present a more glorious or a more affecting
spectacle than the zeal shewn on this memorable
occasion, by the poor and persecuted, but loyal, but
honourable catholics!—Nor should it be forgotten,
that in this account of their loyalty, all historians
are agreed.

Will not then the reader feel some indignation
when he is informed, that this exemplary, may it
not be called heroic conduct, procured no relaxation
of the laws against the catholics? That it was fol-
lowed almost immediately by laws still more harsh
than the preceding? That through the whole re-
mainder of the reign of Elizabeth, the laws against
the catholics continued to be executed with un-
abated, and even with increased rigour? That
between the defeat of the armada, and the death

* Osborn’s Secret History, edit. 1811, p. 22.

of Elizabeth, more than one hundred catholics were hanged and embowelled,—merely, we must repeat,—for the exercise of their religion : and that, when some catholics presented to the queen a most dutiful and loyal address, praying, in the most humble terms, a mitigation of the laws against them, no other attention was shewn it, than that Mr. Shelley, by whom it was presented to the queen, “ for pre-
 “ suming,” as it was said, “ to present an address
 “ to the queen, without the knowledge and con-
 “ sent of the lords of the council,” was sent to the Marshalsea *, and kept a close prisoner till his death.

Surely, when he peruses this treatment of the catholics, the reader must feel some indignation. But, will not he himself justly excite something of a like indignation, if, after seeing the loyalty of the catholics thus so severely tried, and thus found so eminently pure, he returns to his former prejudices, and allows himself to entertain, even for a moment, a suspicion of their perfect loyalty to their sovereign, throughout the whole of her long, her splendid, but certainly in respect to her catholic subjects,—

* He was afterwards examined before the lords of the council :—they put down in writing the following position, and ordered him to subscribe it in writing, “ Whosoever, “ being a born subject of the realm, doth allow, that the pope “ hath any authority to deprive queen Elizabeth, that now is, “ of her estate and crown, is a traitor.”—To this, he answered, “ that it was very hard for him to discuss, what authority the “ pope hath, and therefore could answer no further.”—Upon this he was remanded.—Dr. Challoner's *Memoirs of Missionary Priests*, p. 169. Strype, Ann. vol. iii. p. 298.

(and we must repeat that they constituted two-thirds of the nation),—her cruel and oppressive reign?

The nature of these pages does not require any particular mention of the events, which attended the Spanish invasion: the same presence of mind and dexterity, the same firm and adventurous courage, which the English had shewn on the plains of Cressy, Poitiers and Agincourt, were displayed by them against the Spanish armada. In one respect their conduct may be considered to be entitled to a larger share of admiration: the French and English soldiers had often been opposed to each other, before they met in the battles we have mentioned, so that the array of each army was fully known to the other: but, in the conflict in the Channel, the lofty masts, the swelling sails, the towering prows of the Spanish galleons, as they are described by the historians of the time, presented at once, a new and a terrific spectacle; and were, from the very circumstance of their novelty, the more likely to shake the most valiant bosom with alarm. The English, however, surveyed them with intrepid minds; there was no precaution, no art, no manœuvre, which skill or experience could suggest, or reflection combine, which they did not coolly and deliberately use; no advantage presented itself, of which they did not avail themselves with the utmost presence of mind; and when the hour of action came, there was not a danger which they did not brave, or an achievement, within the limits of human skill or human

valour, which they did not accomplish *. To find a victory, of equal glory and importance to the British nation, we must travel to Waterloo :—catholics too were there.

CHAP. XXXVI.

THE POLITICS OF SOME OF THE ENGLISH CATHOLIC FUGITIVES, IN THE SPANISH DOMINIONS :—PUBLICATIONS OF THEIR SCHOOL :—THE QUEEN'S PROCLAMATION,—THE REPLY OF FATHER PERSONS :—THE PENAL ACT AGAINST THE CATHOLICS OF THE THIRTY-FIFTH YEAR OF HER MAJESTY.

1594.

THE proscription of the catholic religion by queen Elizabeth, her severe laws against such of her subjects as adhered to it, and the increasing rigour by which they were executed, had occasioned a number of them to emigrate to different parts of the continent, particularly Spain and Spanish Flanders. They were favourably received by Philip II : he professed to treat them with kindness ; he employed many in his armies, granted pensions to others, and advanced some to places of rank and honour. His

* This immortal victory was celebrated by no immortal verse : every classical English scholar of the time must have applied to it, the noble strains by which *Æschylus* describes, in his *Persæ*, the glory of the Greeks, and the consternation of the Persians, after the battle of Salamis.

protection of them, his liberality to the catholic colleges, and his avowed zeal for the general welfare and extension of the catholic religion, attached all the fugitives to him : still, while Mary the queen of Scots was living, their connection with him was very loose : but, after her death, many of the fugitives entertained views, and engaged in designs, in his regard, which could not be justified ; and which were disapproved by the wiser and better part of them, and by the general body of catholics in England. The abettors of Philip's views became known by the appellation of the Spanish party : we have referred to it in a former volume of this work. I. We shall now attempt to give a fuller account of it : II. Then mention some publications of this party, which made a great sensation at that time : III. Then notice the proceedings of the British government : IV. And father Persons's defence of himself, and of the catholic body in general : V. We shall close the chapter by the mention of two acts which were passed against the catholics in the thirty-fifth year of the reign of her majesty, and completed her penal code.

XXXVI. 1.

The Spanish Party among the English Catholic Fugitives.

FATHER PERSONS, sir Francis Englefield, and sir William Stanley, were at the head of the Spanish party ; Mr. Charles Paget was at the head of a party opposed to them. A letter from sir Henry Neville

to Mr. secretary Cecil, published in Winwood's Memorials*, contains a curious account of this circumstance. "I have saught," says the writer, "to inform myself as much as I might, concerning the carriage of the English fugitives in former times, and the cause of their retiring hither †; and I find that there has grown great dissention between our papists abroad, and that they have been divided into two factions, the one depending upon the jesuits, whereof Persons is now the head, whose courses have been violent to seek and wish the overthrow of the present estate, by conquest or any other means; the other consists chiefly of the laymen and gentlemen which are abroad, whereof Charles Paget ‡ hath bin the

* Vol. i. p. 51.—It is from Paris, dated the 27th June 1609.

† Paris.

‡ "The strongest opposition which Dr. Allen, Persons and their friends experienced, arose from Mr. Paget, who has just been mentioned; and I find the original cause of this gentleman's alienation assigned in a writing of Persons, which is also confirmed by an ancient Italian ms. now in my possession. Mr. Paget living in Paris, became acquainted with Morgan, a native of Wales, who, while he was in the service of the earl of Shrewsbury, had obtained the confidence of the captive queen of Scotland. They were both connected in friendship with her two secretaries, Nau and Curle; and, as Persons says, opposing themselves secretly against the archbishop of Glasgow, ambassador for the queen, they broke his credit much with the said queen, and wrung from him in time the administration of the queen's dowry in France, which was some thirtiethousand crowns a year; by which they were able to pleasure much their friends, and hinder their adversaries: and then joining

“ chiefe; who could not be brought, as they pre-
“ tend, to consent, or concurre, to the invasion and
“ themselves with Dr. Lewis in Rome, and falling out with
“ Dr. Allen and F. Persons, they were the cause of much
“ division among catholics, which hitherto hath endured.
“ Now it happened, that, on the return of the jesuit Creighton
“ from Scotland to Paris, a consultation was held on the
“ concerns of the young king of Scotland, and his captive
“ mother, by the bishop of Bergamo, nuncio at the French
“ court, the archbishop of Glasgow, the Spanish ambassador
“ and the duke of Guise; and, to this consultation, Dr.
“ Allen and Claude Matthieu, provincial of the French
“ jesuits, were introduced. The archbishop of Glasgow
“ would not admit Paget to be invited to it; and this omis-
“ sion was deemed by him an unpardonable affront. The
“ result of the consultation was, that Creighton should be dis-
“ patched to Rome, and Persons to Madrid, to solicit, at those
“ courts, relief for the young king: and it was upon this
“ occasion, that the latter procured for him an annual allow-
“ ance of twelve thousand crowns, besides a donation for the
“ seminary at Rheims, and moreover established a credit at
“ the Spanish court, of which he afterwards availed himself,
“ for the foundation of his seminaries. Paget and Morgan
“ already irritated that the business had been concealed from
“ them, were still more angered, to see the management of it
“ entrusted to two jesuits. The truth was, says my ms. that
“ the archbishop and the duke of Guise mistrusted these two
“ gentlemen, believing that they held secret correspondence
“ with the English ministry; while the captive queen, contrary
“ to their advice, corresponded with them by means of her
“ two secretaries; and thus seemed to withdraw her con-
“ fidence from the duke and archbishop, who justly thought
“ themselves her best friends. Hence Paget, Morgan, the
“ two secretaries, and a few others connected with them,
“ inveighed bitterly against the priests, especially Dr. Allen,
“ and they strongly insisted, that neither he, nor any other
“ clergyman or religious, but only secular gentlemen ought to
“ manage the affairs of the Scottish queen, and other matters

“ conquest of our kingdom by a foraine prince.
 “ This division began amongst them, soon after the
 “ death of the queen of Scots, upon whom they did
 “ all concur while she lived ; but since her death,
 “ could never agree upon any one course, eyther
 “ of conquest or proposed title. And this conten-
 “ tion hath proceeded unto great heat between
 “ them, insomuch as either side hath laboured to
 “ supplant and disgrace the other ; but especially
 “ of late, since the title of the infanta of Spaine
 “ hath bin sett on foot, according to the books
 “ written by Persons under one Doleman’s name.
 “ For the jesuite’s side promoting that title by all
 “ means, and taking a violent course to urge all
 “ Englishmen, either in Spain or Rome, or where
 “ else they may prevail with them, to subscribe
 “ thereunto ; Paget and his side have directly
 “ opposed themselves, both by word and writing, as
 “ I am informed ; and they are so divided there-
 “ upon, as there is an extreme hatred grown be-
 “ tween them : insomuch, as these men do openly
 “ inveigh against Persons and his adherents, as men
 “ seditious and factious, full of treachery, and
 “ without conscience. And being questioned with,
 “ by such as I appointed to confer with them, to
 “ know what service they would or could do to her

“ of public concern, in the courts of catholic princes. From
 “ this time, they stood in open opposition to whatever Allen or
 “ Persons undertook ; they seemed to take a delight in dis-
 “ appointing them.” Remarks on a book, intituled, “ Memoirs
 “ of Gregorio Panzani,” p. 105.—See also Hume, ch. xlii. and
 particularly the notes x & y.

“ majesty, to cancell their former faults ; they pre-
“ pose this as the chief and principal, that they shall
“ be able so to discover these practices, and decipher
“ not only to her majesty, but to the papists of
“ England, (who now, through ignorance of their
“ intentions, believe too much upon them), as
“ should work a general dislike and detestation
“ of them, and take away that credit which now
“ they have, and daily employ, to the danger of her
“ majestie’s estate, Being urged to give some pre-
“ sent teste of their loyal affection to her majesty,
“ which they so greatly pretend, thereby the better
“ to incline her majesty to some compassion or re-
“ gard for them ; they only discover thus much in
“ generality, that there are great numbers of jesuits
“ and priests now in England, and one of them
“ sayeth, at the least six hundred, which have their
“ diet and maintenance in certain houses by turns.
“ Their ordinary way of repayre thither is through
“ Scotland, and so into the north parts. They also
“ accuse some officers of the ports, and namely,
“ those of Gravesend, for suffering too free passage
“ out of England ; whence there come daily young
“ men over, which are presently conveyed to the
“ colleges at Douay, or Rome, and from thence
“ some of them against their wills, into Spain ;
“ and many forced to profess themselves of some
“ order or other, when they meant it not. They
“ also think, that this subscription before men-
“ tioned, is laboured in England, by those je-
“ suits and priests that are there, But being
“ pressed to some more particular discovery, their

“ answer is, they will reserve that, till they see
 “ what hope there is of obtaining their suit : and
 “ Paget sayeth, he had almost been undone by some
 “ advertisements he wrote over out of the Low
 “ Countries, which makes him very wary not to
 “ bereave himself of all means of living on this
 “ side the sea with safety, till he may be assured of
 “ a safe retreat there.

“ There is also in this towne, one Cecill a priest,
 “ who professeth the same intention and desire
 “ with them ; and the like they affirm to be in
 “ almost all the English gentlemen in the Low
 “ Countries, except Sir William Stanley, and Owen,
 “ and some three or four more.”

XXXVI. 2.

*Circumstances attending the Spanish Party:—two
 Publications of their School.*

THE earl of Leicester had appointed sir William Stanley governor of the town of Daventer : sir William betrayed the town to count Taxis the Spanish general ; and, for his reward, was appointed governor of it by the king of Spain. This circumstance excited great indignation in England. To defend it, cardinal Allen published his “ Letter on the reddition of Daventer.” He asserted in it, that “ the wars of the English in the Low Countries were sacrilegious, the wars of an heretical prince ;” that “ acts done in England since the excommunication of the queen, and her deposition by

“ Pius were evil, therefore she could denounce no war, nor could any of her subjects serve her, as she was a rebel to the apostolic see.” He expresses “ a wish that the example of sir William might be generally imitated.” This publication gave great offence *.

Allen was naturally mild and a lover of peaceful councils : but felt strongly for the sufferings of his catholic brethren ; he could not be otherwise than grateful to Philip II, for his munificence both to him and those under his care : the college which he had founded depended greatly on the bounty of that monarch, and he was the principal support of other catholic establishments, in which Allen took great interest. This placed Allen in a state of dependence on Philip ; Persons also, the soul of the Spanish party, had great weight with Allen. These circumstances probably influenced him on this and other occasions ; sometimes, perhaps, against his own opinion and better judgment. The authors of the *Biographia Britannica* intimate that, towards the close of his life, he altered his sentiments, and was far from being an enemy either to his country or to queen Elizabeth †.

* Sir Wm. Stanley's conduct was also justified by father Persons, in his “ *Manifestation*,” (ch. iv.), a publication which we shall afterwards notice.

† Some of Allen's contemporaries assert, that Persons had too great an ascendancy over him, and lament the circumstance : they assert also, that before his death Allen thought less favourably than he had done, both of Persons and the society to which Persons belonged ; but for this, the

The other publication, which our subject now leads us to mention, was attributed to father Persons. It is intituled, "A Conference about the next Succession to the Crown of England, had in the year 1593, by R. Doleman." It turns on these positions,—that the claim of succession to any government, by nearness of blood, is not established by the law of nature, or by the divine law, but only by the human and positive laws of every particular commonwealth; and consequently may, upon just causes, be varied;—that this is clear from history:—that the want of the true religion is a just cause for excluding the heir apparent;—and that, under

writer has discovered little evidence. More says, in his history, (p. 162), that "the establishment of the college at St. Omers, in the eyes of Allen and Barrett, the president of the college at Douay, did not please them; they thought it like to draw the scholars and collections designed for Douay College, and more like to empty than to serve that establishment." Watson, (*Quodlibets*, 79, 80, 98), mentions that, "in those days,"—meaning the latter part of the life of Allen,—"the jesuits represented the cardinal as their enemy; that he had heard Allen much complain of the jesuits' heady and indiscrete government, and say their government was naught; and that they never would mend it, for they would not hear advice; that while he lived, he would keep them all down, but that, after he was dead, we should see the scholars and they at woeful dissensions; that the cardinal, (who had by father Persons and other jesuits been drawn to some odious attempts against his sovereign and country, by withdrawing himself from those attempts), incurred the hatred of the jesuits to that degree, that they spoke with contempt of him ever after."—But Watson's testimony must always be heard with distrust. The same, however, is said by Doctor Champney, (*Dialogue* 65, 66, 78, 79).

all circumstances, the infants of Spain had the fairest pretensions to succeed queen Elizabeth in the throne of England. Every true whig must admire Doleman's discussions of the first point ;— every man of learning, and every antiquary, must be pleased with his discussion of the second : the king of Spain could not have rewarded, too munificently, his discussions of the third and fourth.

This work has been attributed to cardinal Allen, sir Francis Englefield and father Persons ; the fact seems to be that all had some hand in it, but that Persons almost always held the pen* : he was so

* See the " Answer to Memoirs of Panzani," p. 152 :—and Persons's " Manifestation of the great folly and bad spirit of " certain persons in England calling themselves secular " priests," ch. v. It mentions Doleman's work with affection, Persons exultingly proclaims, (Brief Apology, p. 187), that his envious brethren could not turn their hands to any one thing contained in it; and in the " Manifestation," (p. 63, 64), he gives an abridgement of it. He says, that the name of Doleman was taken by the author in the title page, as being the work of a man of *dole*, that is, of *sorrow*, (p. 5).—The Manifestation is written with too much bitterness ; contains many hazarded accusations ; and is particularly unjust to the secular clergy, in charging upon the whole body the " Important " Considerations and Quodlibets of Watson ;" which we have noticed before, and shall notice again. Persons himself afterwards did justice to the secular clergy. In his " Doleful Knell of Thomas Bell, 8vo. 1627, (p. 35), he says, " that not three or two names of the secular clergy can be " produced, that ever let forward, yea or ever liked that most " detestable proceeding, viz. of publishing the Quodlibets, " Important Considerations, and other things of Watson."

It is observable, that, in this publication, father Persons avows, in its fullest extent, the doctrine that sovereigns forfeit their right to the allegiance of their subjects, and that sub-

partial to it, that he proposed it to be read in the hall of the English at Rome instead of the ordinary lecture *.

Another curious work of father Persons,—not published in his life-time,—was committed by him to paper about this time. It is intituled, “A Memorial for Reformation, &c. containing certain notes and advertisements, &c. gathered and set down by R. P. 1596.”—In his “Manifestation,” he mentions that, “having had occasion, above others, for more than twenty years, not only to know the state of matters in England, but also of many foreign nations and catholic kingdoms abroad, he had used like diligence from time to time to observe and note to himself certain excellent things found in other places, which were not so much in use among those in England,—nor when jects forfeit their right of inheritance by heresy. He cites (ch. iv.) a work in which he was charged with having said, that “difference in religion or matters of faith neither ought nor could by the law of God, of nature, of nations or custom ever heard of, in any nation, deprive any inferior subject, (much less any sovereign), from the right of inheritance or lawful succession by birth or blood to anything they had a right to otherwise.”—This, he says, is a vile calumny. He declares that, “he never said such a thing, that the doctrine ascribed to him, he detests as fond, absurd, and tasting both of heresy and atheism; (though allowed here as it seemeth by our people);—he being not ignorant that both civil laws and church canons do deprive heretics of inheritance as our men ought to know also.”—We shall transcribe his sentiments more at large in another part of this chapter:—but it is observable, that what he inserts in a parenthesis, seems to intimate that his opinion, far from being universal, was not ever general among the English catholics.

* More, 161.

“ it was catholic : which observations, he having
“ imported some time with certain confident friends,
“ they seemed to them of so great importance, that
“ from time to time, they intreated him earnestly
“ to put them, at least in writing for himself and
“ others after him, to public good, when time
“ might serve to use them, if then he would not
“ make them common, as he signified in no wise
“ he would.

“ This, he accordingly did ; but it was never
“ set out or published, but was kept in secret to
“ the author and his nearest friends only.” The
existence of it, however, was generally known : and
there was great misconception of its general nature
and tendency. On this account, Persons inserted
a summary of the work in his “ Manifestation.”

Some time after the accession of James II, a
copy of it was presented to that monarch. After
the revolution it fell into the hands of the bishop of
St. Asaph ; and great curiosity to see it, was raised
by a mention which the bishop made of it in a sermon.
It was accordingly published by Dr. Gee, a chaplain
of their majesties, under the title of “ The
“ Jesuits’ Memorial for the intended Reformation of
“ England, under the first popish Prince, published
“ from the copy that was presented to the late
“ king James. 1690, 8vo.” It is the work of a
vigorous and reflecting mind ; but certainly contains
exceptionable passages : the contents of it accord
with the outline, which, in his “ Manifestation”
Persons himself had given of it,

XXXVI. 3.

Proclamation in the thirty-fifth year of Queen Elizabeth.

THE circumstances and publications, which we have noticed, excited no small alarm in the queen and her government : it was considerably increased by a report, that great preparations were again making by Philip for the invasion of England or Ireland.—In this state of ferment, the queen issued a proclamation, which was immediately followed by commissions of inquiry very hostile to the catholics.

The proclamation begins by expressing the surprise of her majesty, that at so advanced a period of her reign as its thirty-third year, its peace should be disturbed by the king of Spain,—he too in the decline of life,—an age meetest, as she says, for measures of peace. He had caused a Milanese, a vassal of his own, to be elected pope, and the duke of Parma, a nephew of the pope, to be sent with an army to invade France.—He had also practised with certain seditious heads to collect a multitude of young men, fugitives, rebels and traitors to be secretly conveyed into her dominions, with ample authority from Rome, to persuade as many of her subjects as they dared deal with, to renounce their natural allegiance ; and to entertain hopes of being enriched with the possessions and dignities of her subjects, by the means of a Spanish invasion : for which purpose, they allured the subjects of her majesty, by oaths and even by sacraments, to forswear their allegiance to her, and yield allegiance with all their power to Spain.

These seedsmen of treason, as they are termed in the proclamation, bring bulls from the pope, full of promises and threats : but these proceedings have been punished and restrained by the execution of the laws against such traitors,—for, says the proclamation, they have been punished for mere treason ; and not for any points of religion. This is said to be shewn by their arraignment, by the circumstance that many men of wealth, professing contrary religion, were not impeached for the same, either in lives, lands, goods or liberty, except a small pecuniary mulct for not going to church.

The heads of the seminaries, (continues the proclamation), have assured the king of Spain, that, notwithstanding his former ill success, yet, if he would renew the war, in the next year, multitudes would assist the invaders : this, a schoolman named Persons, arrogating to himself the name of the catholic king's confessor ; this, another scholar, named Allen, now for treason honoured with a cardinal's cap, assure them ; and this, and other traitorous enterprizes, a multitude of jesuits and missionary priests newly landed, and lurking in different parts of England, but chiefly in maritime places, encourage and strive to promote.

These impudent assertions, (to use the words of the proclamation), though they know them to be false, the persons mentioned continually make to the pope and the king of Spain ; and they have lately sent advice to their confederates in England, that the king had, upon their informations and reports, promised to employ all his forces, to attempt an invasion of England the next year.

Wherefore her majesty declares it to be her duty, as being the supreme governor, under the Almighty Hand, to use all just and reasonable means given to her, to concur with heaven in frustrating these designs,—and for that purpose to increase her forces to the utmost of her power, and by the execution of the laws and other public ordinances, to impeach the practice of these seditions and treasons.

She then requires all ecclesiastical persons to draw down the blessing of heaven on the kingdom, by prayer and the diligent discharge of their functions,—and calls on all her subjects to unite in defence of their natural country, their wives, families, children, lands, goods, liberties and posterities, against these ravening strangers, wilful destroyers of their native country, and monstrous traitors.

Further,—to provide a remedy against these seminary priests and jesuits, her majesty announces her resolution to appoint in every county, commissioners to search for and discover persons guilty, or suspected of being guilty of such traitorous practices :—and, for that purpose, to examine all persons of their household, or lodgers or boarders with them, during the year ending on the preceding march ; and particularly, whether they attended the divine service, established by law, and to commit the result to writing, in the nature of a register or calendar, to be producible, when demanded. Threats are held out against persons refusing to obey these injunctions ; and informers against them are invited and encouraged,

Such is the tenor of the proclamations,—com-

missions were immediately issued :—and articles annexed as an instruction to the commissioners how to execute them. They direct the commissioners to enquire after recusants and suspected recusants ; to have calendars made of them, and to examine them ;—but to abstain from other enquiries into matters of conscience.

They were to enquire of all persons upon oath, whether they had been moved by any, and by whom, to join or adhere to the forces of the pope or king of Spain, when they should invade the land ; and to enquire, but not upon oath, of all persons suspected of being priests, seminarists, or fugitives, whether, within the last five years, they had been at Rome, Rheims, or in Spain ; whether they were priests or jesuits ; when they were last sent from any of them, and for what end.

XXXVI. 4.

The Reply of father Persons.

To this proclamation of queen Elizabeth, father Persons opposed a Latin reply : it is said to have been written by him in the English language, and to have been translated into Latin by father Creswell : it may be considered a recriminating manifesto of Persons and all the English catholic fugitives, who adhered to the Spanish party. We have seen that the proclamation was issued in November 1591, the reply was published early in the ensuing year : it is intituled, “ The Proclamation of Elizabeth queen of England, the defender of the Calvinian Heresy, against the

“ Catholics of her Dominions ; and containing most
 “ unworthy abuse of other princes of the christian
 “ republic. Published at London on the 29th of
 “ November 1591. With an answer to it, under
 “ every head : in which not only the barbarity and
 “ impiety of the wicked edict, but its lies, deceits,
 “ and impostures are detected and confuted. By
 “ Andrew Philopater, a Roman priest, and divine,
 “ a native of England. Revelations, ch. xvii. 6.
 “ And I saw a woman drunk with the blood of the
 “ saints and the blood of the martyrs of Jesus.
 “ Augsburg, with the permission of superiors,
 “ 1592*.”

Persons divides his reply into seven heads. He first attacks the title of the proclamation :—It is styled a proclamation of the queen ; but no one, says Persons, is so ignorant in English concerns, as not to be aware that it does not so much proceed

* *Elizabethæ Angliæ Reginæ Hæresim Calvinianam propugnantis in catholicos sui regni edictum, quod in alios quoque reipub. christianæ principes contumelias continet indignissimas. Promulgatum Londini 29 November 1591. Cum responsione ad singula capita : quâ non tantum sævitia, sed mendacia quoque et fraudes ac imposturæ, detegantur et confutantur. Per D. Andream Philopatrum presbyterum ac theologum Romanum, ex Anglis olim oriundum. Apocal. 27, v. 6. Et vidi mulierem ebriam de sanguine sanctorum, et de sanguine martyrum Jesu. Augustæ, cum permissu superiorum, 1592, 8vo.*
 —Father Persons, in his “ Apology,” (p. 48,) B. says he went to Madrid, in the beginning of 1589 ; that father Creswell also was called from Rome, into Spain, for assisting the college and common cause there :—and that their joint labours brought forth a tart answer to queen Elizabeth’s edict of the 18th of October 1591, which was published in the year following.

from the queen's own inclination, which leads her to wish no more than to pass her days peaceably and pleasantly, undisturbed by religion and religious hatred, as extorted from her by the artifices and importunity of those, who surround her ;—by five persons in particular ;—all of them sprung from the earth,—Bacon, Cecil, Dudley, Hatton and Walsingham ;—these he therefore thinks it proper to describe.

He says, that sir Nicholas Bacon the keeper of the great seal, was of the lowest extraction : his father was a shepherd and cattle driver ; he himself was, for some time, under-butler in Gray's-inn. Possessing an acute genius, he acquired a great knowledge of the law. Luxurious and groveling in his habits, a partizan of heresy, averse from the catholic religion, but without knowledge of the subjects in controversy, and without any other object, than the acquisition of wealth and honours and the means of satisfying his sensual appetites, He joined hands with Cecil, and each assisted the other in the prosecution of his views.

Dudley, he says, was a greater personal favourite with the queen than either Cecil or Hatton : he was a son of a duke and grandson of an esquire, but great grandson of a carpenter : his beauty recommended him to the queen, his address confirmed him in her favour :—England never knew a man more flagitious, a tyrant more insolent ; never had the catholics a more bitter enemy : volumes, both in the French and the English language, have exposed his debaucheries, his adulteries, his homi-

cides, his parricides, his thefts, his rapines, his perjuries, his oppressions of the poor, his cruelties, his deceitfulness, and the injuries he did to the catholic religion, to the public, and to private families. He was successively created baron Denbigh, earl of Leicester, and raised to the dignity of master of horse to the queen, and to the command of her forces in Holland.

While he lived, sir Francis Walsingham, a man of a decent family, of a saturnine disposition, of indefatigable industry, and greatly attached to the calvinists, was his confidential agent, particularly in every thing that related to the roman-catholics or the queen's practices in foreign countries. Being advanced to the rank of secretary of state; it was his business to inform her of what passed in parliament, and of all foreign transactions. For this, he employed a multitude of spies both at home and abroad,—and entered into these concerns with so much ardour, that he consumed his own private fortune upon them and died in debt.

Sir Christopher Hatton was of a good family, and attracted the notice of the queen by his comeliness and elegance: by degrees he advanced himself so much in her favour, as to be created chancellor. He was supposed to be averse from the persecution of the catholics, and was certainly disliked by the puritans. His favour was always on the increase; yet, though he strongly desired it, the queen would never allow him to marry.

But Cecil is the hero of the tale: his father, says Persons, was in a low employment under the king's

taylor ; his grandfather was one of the king's body guard, and kept an ale-house in Stamford. Somehow he became a student at Cambridge, and obtained a place in the family of the protector Somerset ; and, by betraying him, acquired the favour of the earl of Warwick, afterwards created duke of Northumberland. This nobleman recommended Cecil to Edward VI, who made him secretary of state. Under Mary, he affected great zeal for religion, and always had his beads in his hands. He was favoured by cardinal Pole ; but Mary always distrusted him ; upon this, he insinuated himself into the favour of Elizabeth ; and was one of the principal advisers of her measures in favour of the protestant religion.

These men, and the followers of their principles, not the queen, are to be considered the real authors of the proclamation.—Here Persons mentions sir Walter Raleigh and his supposed school of atheism. If, on the death of Leicester and Hatton, sir Walter had succeeded, as had been generally expected, to their favour with the queen, a different proclamation might have been expected : infidelity and epicureism might have been proposed, and the opposers of pleasure declared guilty of high treason.

But does she declare the proclamation to be her own ? Then, says Persons, I oppose to her every king and every queen who filled the throne of England before the reformation ; every great and every good man, who flourished in their reigns : I oppose to Elizabeth her own father, who put Cromwell to death, and threatened Katharine, the last of his

wives, with it, because they were suspected of heresy. Their example she rejects, and prefers an imitation of the Domitians, the Maximinians, and the Dioclesians. "But these," says Persons, "opposed the christian religion, as new and of recent birth; as a religion, which contradicted the ancient national worship of their gods. But, when Elizabeth persecutes the catholics, she persecutes the religion, which England embraced on her conversion from paganism; the religion of all her ancestors; the religion, in which she was born, brought up and educated; the religion, which she had professed at her baptism, which she had repeatedly avowed in the strongest language; and to the defence of which, she, in the most solemn words, had, at her coronation, (however perfidiously), bound herself by oath."

Adverting to the passage in the beginning of the proclamation, in which Elizabeth mentions her hard lot, not to be suffered to remain in peace, even at the close of her life; "If thou, Elizabeth," says Persons, "treading in the steps of thy most illustrious ancestors, hadst preserved England in the state in which thou didst find it; if, conforming to the institutions of its former sovereigns, thou hadst maintained, as thou didst swear to do, the catholic religion; if thou hadst administered justice according to the most ancient laws of the kingdom; if, like thine ancestors, thou hadst been faithful to thy treaties with foreign princes; if, by legitimate offspring of thine own marriage, or

“ by any other means, thou hadst rendered the
“ succession to the crown, clear, certain, and free
“ of doubt,—thou wouldst now have reigned in the
“ greatest happiness and security ; and thou wouldst
“ not now, in the thirty-third year of thy reign,
“ have had to complain of its being necessary to
“ labour so hard to avert the dangers, which at
“ once threaten thy life and the public weal.—
“ But, acting in a manner directly contrary,—as thou
“ hast persecuted the church of God, overturned
“ religion, contemned the customs and laws of
“ thine ancestors, insulted and injured the catholics,
“ though the most noble and most numerous por-
“ tion of thy subjects, through whom thou didst
“ obtain thy crown ; as thou hast deprived them of
“ honours, offices and dignities, and driven them
“ into despair by confiscations of their property,
“ banishment and sanguinary inflictions, and hast
“ raised up, in their stead, atheists and heretics to
“ the government of the country ; and in conse-
“ quence of their licentiousness and malice, hast
“ filled the whole kingdom with heresies, sects, and
“ dissensions ; when—(a thing hitherto unknown)—
“ thou hast made it a capital crime, to affirm, to
“ think, or even to conjecture who shall reign after
“ thee, as if thy wish were that every thing should
“ perish with thee ; when thou hast provoked every
“ sovereign near thee with the injuries which thou
“ hast done him ; when thou hast disturbed every
“ thing, rendered every thing suspected, doubtful,
“ perplexed, ulcerated, and pestilent, what reason

“ is there to impute this distracted state of things
“ to a few most innocent and most harmless scholars,
“ a few religious men, a few ecclesiastics.

“ What are the crimes, of which so many inno-
“ cent men, who have been condemned to death by
“ thy laws, are guilty?—One, is punished for having
“ been at Rome; another, for having received the
“ pope’s blessing; another, for having been or-
“ dained priest by an order from the pope; an-
“ other, for having been educated in the foreign
“ seminaries; several, for having persuaded their
“ families to remain true to the ancient faith;
“ others, for returning to their country, for the
“ sake of teaching, defending, or extending the
“ catholic religion.—Learn at last, Elizabeth, that
“ there is a God, who before thou didst exist, had
“ chastised many kings, queens and sovereigns
“ much more powerful than thee. Consider how
“ far thou hast proceeded, when thou hast not only
“ condemned hundreds of these holy men to death,
“ and spilt their blood, but delivered their bodies
“ to the fowls of the air, denying them, under se-
“ vere penalties, christian burial. Their holy blood
“ cries from the earth, cries from the wood on
“ which they suffered, and the sound of it has en-
“ tered the ears of the Lord God of Hosts. The
“ day is near, when thou must render to him an
“ account of all this, of every falsehood in thy pro-
“ clamation.”

Then Persons takes upon him to vindicate Philip from the crimes, with which he is charged by the proclamation: he begins by recounting many signal

services, which that monarch had rendered to Elizabeth ; he asserts that, on three occasions, when her life was in danger, in consequence of her treasonable practices against queen Mary her sister, Philip had intervened to save her. The monarch's subsequent kindness towards her is then mentioned : particularly his refusal to co-operate with Stukely, when he landed in Ireland with troops, which he had obtained from the pope. To these, he opposes the countenance and aid, which the Belgic subjects of Philip had received in their rebellions against him, from Elizabeth ; her piracies, her plunderings of his coasts, her procuring his bills to be protested at Genoa, and other aggressions of equal hostility.

Persons then brings forward the disturbances in France, fomented by Elizabeth, her seditious practices in Scotland ;—and contrasts the conduct of Elizabeth, as he has described it, with the peaceable and dignified moderation, which Philip had shewn, towards every European state, till the injuries, which he received from Elizabeth, forced him into war with her ; and a necessary defence of religion obliged him to confederate with the catholics of France, against the Navarrese.—He dwells with great force on the conduct of Elizabeth to the unfortunate queen of Scots.

“ The bad success of the armada should not,” he says, “ elevate Elizabeth and her adherents too much. The defeat of it was not owing to the
“ valour of its assailants ; but rather to the accidents
“ incidental to warfare, the inclemency of the weather, inexperience of the sea, perhaps to some

“ ignorance or negligence ; perhaps to the will of
“ a merciful God, who wished to preserve the tree
“ of England, till a third year, to see if it would
“ then produce good fruit.—The first expedition of
“ Julius Cæsar into England, the first of Henry VII,
“ was unsuccessful, the second of each succeeded.
“ Twice the sons of Benjamin were defeated, the
“ third time they were victorious. Let the English
“ reflect on these examples, and learn not to be
“ insolent, merely because the punishment due to
“ their great crimes has been deferred.”

Here Persons enters upon a long, a laboured and an eloquent defence of the proceeding of the pope, against Henry IV. of France, or the Navarrese, as he pleases to term that monarch : he founds his defence on the deposing power of the pope. “ The
“ universal school of catholic theologians and divines, holds,—(and it is certain and of faith),—
“ that any christian prince, who manifestly swerves
“ from the catholic religion, and wishes to call
“ others from it, falls instantly from all power and
“ dignity, both by divine and human right, even
“ before any sentence is passed against him, by the
“ supreme pastor and judge ; and his subjects are
“ then free from the obligation of any oath of allegiance, which they had taken to him, as a legitimate
“ prince ; they then may, and if they have strength
“ sufficient, then ought to expel from his sovereignty over christians, a man of this description,
“ as an apostate, heretic, and a deserter of Christ,
“ our Lord ; as an enemy and foe of the state, lest
“ he should infest others, and withdraw them from

“ the faith by his example or command.—This
“ common sentence of all catholic doctors, respect-
“ ing the obligation of subjects to repel heretical
“ princes, if they are injurious to the catholic faith,
“ is most certain and indubitable:—they think, how-
“ ever, that this opinion should be qualified by two
“ conditions ; one, that the subjects have strength
“ sufficient for the purpose ; otherwise the equity
“ and benignity of the divine law obliges no one to
“ it, as it might turn to the prejudice both of them-
“ selves and the catholic religion : the other con-
“ dition is, that the certainty of the crime be so
“ manifest, that it cannot be longer denied or
“ doubted. For, if it be doubtful and uncertain,
“ or, if the prince thinks ill of religion only in pri-
“ vate, or smells only of heresy, and does not pro-
“ duce his opinions publicly, or pervert others,—
“ in these cases, the obligation, which has been
“ mentioned, does not attach upon the subject. It
“ then only attaches, whenever the crime is public,
“ when the danger to the state is manifest ; but
“ then mostly, when the matter has been decided
“ by the church, and her supreme governor, the
“ Roman pontiff ; for to him it belongs, as a part
“ of his duty, to provide for the integrity of religion
“ and the divine worship, and to remove heresy, that
“ it infect not the clean.”

The expressions in the proclamation respecting the protection afforded by the Spanish monarch to the catholic establishments in his dominions produce an able, and we believe, a candid defence of them by Persons. Some pages are assigned to the

praise of cardinal Allen, whose honourable parentage he contrasts with the obscure parentage of Cecil, and,—rising higher,—with the spurious birth, as he describes it, of Elizabeth, with the filthy loves of the Boleyns, and the bastard progeny of Owen Tudor. —A much more pleasing topic, he finds in describing, (which he does with great elegance and taste), the piety and literary ardour of the inmates of the foreign seminaries; and,—after their return to England,—their quiet unpretending virtues, their inoffensive manners, their zeal tempered with modesty, their patient suffering, their loyal language and demeanor.

We have noticed in a former part of this work, what Persons says respecting the six questions proposed to the priests after their condemnation, and his commendation of what he terms the prudence and moderation of their answers, and his eloquent retort.

Finally,—(accommodating them to the situation of the English catholics),—he closes, in the words of Victor Vitensis *, with the following animated address.—“ All you, who bear the name of catholic, “ whatever be your age, your sex, or your condition, “ come all of you to our house of sorrow ! I call “ no heretic to condole with me, he would rather “ seek to add to my sufferings, and rejoice in my “ misery ; I call on no stranger, on no schismatic, “ for I am become a stranger to my brethren, an “ alien to the sons of my mother. Come all ye

* Hist. Vand. l. ii. concl.

“angels of my God, and behold my country! All
“comeliness is gone from her face; her virgins
“cease to walk in the narrow path; the cloisters
“are emptied of their youths, her children are be-
“come captives, and the holy walls are trodden
“under foot! Ye holy patriarchs deprecate for us,
“the divine wrath! pray for us ye holy prophets!
“ye blessed apostles intercede for us! do thou, in
“particular, O Peter, implore the Lord Christ, in
“favour of the sheep and the lambs, whom, with so
“much earnestness, he consigned to your protec-
“tion and care! and thou, O holy Paul, teacher
“of the nations, who preachedst the Gospel in the
“east and west, behold what our enemies are do-
“ing; and what your children suffer! all ye holy
“apostles, be mourners over us! and though we
“confess that all this has befallen us for our sins;
“yet pray for your sinful children; as Christ
“prayed for the offending Jews. Our sufferings
“we deserve, but let what we have suffered, suffice:
“say to the angel that strikes, ‘cease, it is enough!’
“Prostrate at your feet, we beseech you not to
“spurn your unhappy offenders;—by him, who
“raised you, lowly fishermen, to the high rank of
“apostles.”

Such is the best outline, which we have found ourselves able to give our readers of this extraordinary document: they must admire, even in the sketch, which we have given, the vigour and eloquence of the composition; and every competent judge, who peruses the original, will admire its purity and perspicuity. Its ultramontane principles,

all will now blame ; but it should not be forgotten, that Persons spoke,—not the language of the catholic body,—but the language of his own party. The asperity, with which the work is written, must have given general offence, and prejudiced his readers against his arguments. In this, and in general effect, it yielded greatly to cardinal Allen's "Defence of the English catholics," noticed in a former part of this work. This, while it possesses equal power of argument, with the work of father Persons, is written in a tone of christian moderation and singleness of heart which must steal on every reader, and propitiate the very sternest adversary both in favour of the writer and in favour of his cause.

It should be added, that though the pope's claim, by divine right, to the deposing power, was, at this time, very generally maintained, very few went, with Persons, the length of asserting that it was an article of faith : we shall soon see that Bellarmine stopped short of that extravagance.

XXXVI. 5.

*Penal Acts of the thirty-fifth year of queen Elizabeth
against the Catholics.*

To the invective of father Persons, the queen published a royal reply. By the first act of the thirty-fifth year of her reign, persons obstinately refusing to attend the service of the church, or impugning the authority of the queen in ecclesiastical causes, or persuading others to do so, or assisting at

unlawful assemblies or conventions of religion, were to be committed to prison, and to remain there, till their conformity to the established church, or till they made the submission and declaration contained in the act. By this they were to acknowledge their offence to God in contemning her majesty's authority ; to declare that no person had any power or authority over her ; and to promise to obey in future all her laws,—those in particular which prescribed attendance at the service of the church. Offenders not conforming were ordered to abjure the realm, and depart from it, as in cases of abjuration for felony ; if they refused to abjure the realm, or afterwards returned to it, they were to be adjudged guilty of felony without benefit of clergy ; and to forfeit to her majesty all their goods and chattels absolutely ; and the income of their real estate during their lives.

Even these penalties were not thought sufficiently severe : by the second act of the same year, popish recusant convicts were ordered not to remove five miles from their place of abode, and if they removed to a greater distance, they were subjected to a similar penalty ; a jesuit, seminary or other massing priest, who, on his examinations before a magistrate should refuse to answer directly, whether he were a jesuit, a seminary or a massing priest, was to be committed to prison, to remain there, till answer, without bail or mainprize.

The threatened attempt of the Spanish on the English coast, did not take place till 1598 : a small body of them then landed near Penzance, in Cornwall, set fire to a church, and, on the appearance of

a few English troops, retired in a hurry. "These," says Camden *, "were the only Spaniards that ever set foot in England, as enemies."

CHAP. XXXVII.

Vol. I. c. 19. s. 5. p. 243.

ASSERTION THAT THE PRIESTS WERE EXECUTED,
NOT FOR THEIR RELIGION, BUT FOR THEIR
COMMISSION OF ACTS OF HIGH TREASON.

CHAP. XXXVIII.

CONTINUATION OF THE PRACTICES OF THE
SPANISH PARTY.

1601.

THE severe proceedings of the English government, which have been mentioned, did not however check the unwise and criminal activity of the favourers of the Spanish pretension.

A confidential letter, written in cypher, from father Persons, to father Holt, dated the 15th March 1597, fell into the hands of the ministers of queen Elizabeth, and added to their jealousies of the designs of the Spanish party. Persons mentions generally its contents in his *Manifestation*†. He informs the readers of it, that "he wished Holt to consider it, as a note for him and such other con-

* Ad annum 1598. † Page 48.

“*fidest* friends as he should think good to communicate the same withal: he then states that the principal causes of his journey (to Rome) were to settle with his holiness, and the father general, all such points as should seem necessary for the upholding of the seminaries: he informs father Holt, that about the whole matter of succession, he meant to proceed very softly and coldly; letting his holiness only to know how matters did stand; and that the English catholics did only desire, (after her majesty), some sincere catholic prince, without respect of English, Scottish, Spanish or other nation in respect of religion; that he was not an enemy to the king of Scotland, nor agent to king Philip, as some had informed; shewing, in the first, what good offices he had done for the king of Scotland for many years, while there was hope, that he would be a catholic: and in the second, shewing by the nuncio of Madrid, cardinal Cajetan, (who had written effectually in that behalf), that he, father Persons, had always persuaded the king and his council, that it would not stand well for his majesty to pretend England for himself, and that he had obtained of the king full promise thereof, about which point the nuncio had seen the paper, and been privy to the speeches, which he from time to time had had to that effect.” “These,” says, father Persons, are “the words of this secret letter;” and finally he concludes his account of it by saying, “that the best of all would be, if, to avoid contention, opposition and garboils, after her

“majesty, such a person might be thought of as
 “would be fit, and stand well both for his holiness
 “and majesty catholic, the English and Scottish
 “catholics, the kings of France, Denmark and all
 “the rest, but who that person or persons be, he
 “meaneth his holiness to think upon.—Thus he
 “writeth, as you see,” continues father Persons,
 “in great confidence and secrecy to his dearest
 “friend, and was to treat to the same effect, with
 “the pope, by the commission, as here is insinuated,
 “of the king of Spain himself; and his holiness
 “can be witness whether he did so or no, and
 “whether he changed his course unto this day*.”

His celebrated work on the Succession, which we have already noticed †, shews, that the infanta, was the personage, on whom he wished the crowns of England and Ireland to devolve:—but James was to be permitted to retain his Scottish crown.

This intrigue did not escape the penetrating eye of cardinal D'Ossat, ambassador from Henry IV. to the Roman court: much interesting information respecting it is contained in his letters‡.

The importance of these letters is increased by the high character of the writer. He was one of

* i. e. 1602, when the Manifestation, from which this extract is copied, was published.

† *Ante*, ch. xxxvi. s. 1.

‡ The cardinal's letters were published at Paris, in 1698, in two volumes 4to. with notes by Amelot de la Houssaye: those, from which the substance of this chapter is taken, are in vol. i. p. 222, 399; vol. ii. p. 303, 390, 507, 509, 615, 616, 617, 618, 619.

those extraordinary personages, who have united every voice in their praise. He is mentioned in terms of equal favour by Thuanus and Pallavicini, by Wicquefort in England, and the jesuit Galucci at Rome. From a situation so low, that his family was never known, he raised himself by his talents, and the undeviating wisdom and rectitude of his conduct, to be vice-ambassador of Henry IV. of France to the see of Rome,—the centre, at that time, of the most important negotiations. He possessed the entire confidence of his sovereign; and the pope, as an expression of his esteem for him, honoured him with the purple. “His penetration,” says L’Avocat, “was prodigious. He formed his resolutions with such discernment, that, in all the various concerns and negotiations in which he was engaged, a single false step has not been discovered.”—It is difficult to avoid a digression, when it leads to the contemplation of a character at once so respectable and so pleasing.

In a very long, and a singularly interesting letter, of the 26th. of November 1601, cardinal D’Ossat gives a full account of the curious project, that produced the two papal briefs which we are now called upon to mention. The cardinal analyses the work written upon the succession to the crown of England, under the name of Doleman, which has been mentioned in a preceding page. The cardinal says it was written, at the instigation of Spain, and circulated by the Spaniards over the Low Countries, and wherever else they thought it might find

readers. Doleman, he says, reduces the legitimate pretenders to the crown of England,—1st, to the king of Spain, as representing the royal house of Portugal, in whom the lineal heirs of the house of Lancaster were found:—2dly, to the house of Scotland, represented by James the sixth; and 3dly, to lady Arabella Stuart:—both the last were descended from Margaret, the eldest daughter of Henry VII. Each has a place in the genealogy, contained in the first volume of this work. Passing over James, on account of his religion, and because he was born in Scotland, and therefore an alien; the pretenders were reduced to the king of Spain, and lady Arabella. To the Spanish line, the pope supposed the English would never submit. The lady Arabella consequently remained, and her, the duke of Parma ought to have married. Unfortunately, he happened to have a wife; but, cardinal Farnese, his brother, had none: he therefore was to be secularized; and to him the lady Arabella was to give her hand. The king of Spain, probably with a very bad grace, would, with decency, submit to their union; and, after some difficulty, both foreigners and subjects would bend the knee, and acknowledge Farnese and Arabella as sovereigns of the two thrones of England and Scotland. Even the king of France was to find his account in it; as a Bourbon could be alarmed at nothing so much as: accession of strength to the house of Guise, to which James I. belonged, through his mother, the unfortunate queen.

It must amuse the reader to see how very easily

the imperial crowns of England and Ireland are thus disposed of by the pope and the jesuit: even in Rome, it excited a smile; "If any man," said Pasquin to Marforio, "will buy the kingdom of England, let him repair, to a merchant, with a black square cap in the city, and he shall have a very good penny-worth of it."

The talents of queen Elizabeth were not admired by Clement, so much as they had been by Sixtus Quintus, his predecessor. Clement called her "an old woman without a husband, and without a certain successor." He said she must, at that time, be straitened for money, on account of the greatness of her former expenses: "Neither you nor I," said the pope to the cardinal, "are so old, but that we may yet behold her subdued; England has been conquered often, and may be conquered again." For the present, however, his holiness thought it would be most prudent to wait the queen's decease.

Under these impressions, "the pope," says D'Ossat, "has sent to his nuncio in the Low Countries, three briefs, to be kept secret, until he should be informed of the death of queen Elizabeth: and then to be forwarded to England; one to the clergy, one to the nobility, and the other to the third estate. By these, the three estates of England were exhorted to bind themselves to receive a catholic king, whom the pope should propose to them; and whom they would find agreeable, profitable, and honourable; and all for the glory and honour of God, the resto-

“ration of the catholic religion, and the salvation of their souls.” The cardinal proceeds to mention to the king the reply which he made to the pope; and offers several suggestions on the futility of the project.

His letter contains other interesting circumstances, which shew how well the cardinal was informed of every thing that related to the matters in agitation. He describes the persons most active in the business, and an individual residing at Calais, through whom their correspondence was carried on.

The answer of the king is dated the 24th of December 1601, and shews good sense, a true spirit of justice, and great magnanimity. He treats the project of the pope as a perfect chimera. He observes, that it was founded upon the hopes held out by exiles, promising more than they could perform; feeble instruments, doubtful friends, and dangerous advisers. The party of lady Arabella, his majesty pronounces to be very weak. “The king of Scotland,” he adds, “is the right heir. I desire, like his holiness, that the kingdom of England should fall to the lot of a catholic prince; nor am I ignorant of the reasons which should make me wish that the crown of England should be kept separate from that of Scotland; or of those, which should make me jealous of the connections which the king of Scotland has in this country. But it is an injustice to oppose what is just, and an imprudence to engage in an undertaking so little likely to succeed, as that which is proposed by the pope.—This, my cousin, is what my con-

“fidence in you, and my openness, have induced me to write in answer to your letter.—You may make what use of it you please. But my opinion is, that as much as you can, you should keep the pope from opening himself to you respecting the English succession.”

The king tells the cardinal, in another part of his letter, “that the papal project would be attended with consequences quite contrary to those which the pope expected, and render the condition of the catholics more miserable than ever, by making them take up arms in opposition to the laws of the kingdom, and to the lawful succession of the reigning monarch.”

Such was the project, which, in the following reign, subjected the pope and the catholics to so much censure. The fact was, that though a family estate was never transmitted from father to son with greater ease than the crown of England passed, on the death of Elizabeth, from the house of Tudor to the house of Stuart, a different scene had been generally apprehended. It had been expected that many competitors to the throne would arise; and particularly it had been supposed, that the party, which had been principally instrumental in bringing Mary to the scaffold, would not quietly permit her son to ascend the throne. Those, it was thought, looked towards Arabella; and, being a catholic, her claims, it was imagined, would naturally be favoured by that party. These, as we have already observed, constituted, at the time of which we are speaking, the most numerous portion of the subjects

of the realm. They considered themselves, therefore, entitled to a vote at the election, and the pope, seconding their views, claimed all their votes and interest for Arabella.

It appears that there were two briefs only ;—one directed to the archpriest and clergy ; the other to the nobility and gentry of England. On the trial of father Garnett, which we shall afterwards have occasion to mention, sir Edward Coke represented them, as enjoining the catholics “ not to admit any person, how near soever, upon the line to the throne, after the queen’s death, unless such person would not only tolerate the catholic religion, but promote it to the utmost of his power ; and engage himself by oath, according to the custom of his ancestors, for that purpose.” That these were the contents of the briefs, father Garnett did not deny. He admitted that they were transmitted to him, but he alleged in his defence that he kept them secret, shewed them to very few, and soon after the accession of James, committed them to the flames *. He also alleged, that both the pope, and the superiors of his order, earnestly recommended to the catholics to bear their sufferings with patience, and to abstain from violence of every kind. This is confirmed by the letters both of father Garnett and of father Persons, produced by father Andreas Eudæmon, in his defence of Garnett.

* The writer has not discovered them in any bullarium.

CHAP. XXXIX.

*Vol. I. c. 21. p. 261.*PROTESTATION OF ALLEGIANCE, PRESENTED TO
THE QUEEN BY THIRTEEN SECULAR PRIESTS.

1602.

CHAP. XL.

DEATH OF QUEEN ELIZABETH.

1603.

WE believe, that we have stated all the principal events in this reign, which materially affected English catholics : the general result of the laws and proceedings of government against them during this long period, is thus described by a respectable writer from his own observation *.

“ By colour and force of the statutes passed
“ against the catholics, which, being penal, and
“ altogether against the common law and justice of
“ the realm, ought *de jure*, to have been *stricti*
“ *juris*, and not upon any occasion rigorously and
“ extensively enforced, as many times they never-
“ theless were, the statists †, according to the Vandal
“ project aforesaid, obtained by degrees, their long
“ projected ends, touching the dividing of most of
“ the people’s hearts from queen Mary of Scotland,
“ from her title, from her religion, and, (for her

* The History of the Reformation of England, 1685, 8vo.
The author of it was Charles Eyston, esq. of Old Hendred, in Berkshire.

† i. e. Statesmen or politicians.

“ cause), from all communion in belief with the
“ catholic church : also, concerning the setting up
“ of a new and strange head of the church, or an
“ antipope, and the abolishing of the power and
“ authority of the true vicar of Christ in spiritual
“ matters ; even as they had done by the true and
“ lawful vicar in temporal matters, viz. queen Mary of
“ Scotland. The deposing of catholic and canonical
“ archbishops, bishops, prelates and clergymen, by
“ an oath, and a trick of state ; and, in their places
“ of setting up of anticatholic, and patent, or sta-
“ tute bishops, superintendents, and ministers.
“ The offering of disputations ; but uncivilly de-
“ meaning the same ; the abrogation of the aposto-
“ lical forms of prayers, sacraments and sacrifices ;
“ and in place thereof, the authorizing new inven-
“ tions for forms of common prayers and administra-
“ tion of sacraments : for refusing whereof the ca-
“ tholics were not only removed from their places
“ of office, credit and dignity ; but in process of
“ time, were made incapable of office, credit or
“ charge of any place of reputation in the common-
“ wealth, even of practising their professions, though
“ never so learned in divinity, canon, common or
“ civil law, physic, &c. ; of presenting in their own
“ rights to benefices, prebends, or ecclesiastical ad-
“ vancements : of being executors or administra-
“ tors ; of being guardians, either of such as by
“ tenure held of them, or to such as by nature,
“ nurture, or other civil right was due to them : of
“ relieving their wives ; of succouring or educating
“ their children : of harbouring their friends : of

“ marrying, christening, or burying of them, as
“ occasion required : and finally, of any access to
“ the royal majesty, upon any grievance, either for
“ righting their wrongs, or for defending their
“ rights. Yea, by statute laws, the statists had
“ variable ways, either of their pleasures to entrap
“ all sorts of catholics, with a *præmunire*, to the
“ loss of their liberties and estates, as well real, as
“ personal ; or to endanger their lives, upon new
“ and unheard of felonies and treasons, even for the
“ exercise of such matters, as were, in all ages, held
“ for virtues.

“ Hereupon, out of every pulpit, press, or stationer’s shop, such invectives, slanders, infamies, untruths, and lies were cast upon priests, as seditious ; and upon catholics, as impious and wicked, as were without measure or remedy. For, no tongue was so foresworn, but was of credit against them ; and none, but was reputed false, in their defence. Their houses were daily searched and rifled : their altars, chalices, books, church stuff, beads, &c. were taken from them, and turned to common uses. The name of catholic was denied them ; the common law making for them, was inverted and turned against them : and, for the queen of Scots and their sakes, the name of Rome was maliced : the pope vilified and liared : the catholic emperors, kings and princes were traduced : and the catholics themselves became the trampling-stones of all pursuivants, informers, promoters, and other hungry, needy and merciless people, for the covetousness of their goods,

“ for the confiscation of their lands, and for the
 “ begging of their estates, in such sort as was both
 “ outrageous and insatiable. To conclude: the
 “ catholics,—some of them from 5,000*l.* yearly ;
 “ some from 2,000*l.* and others from 1,000*l.*
 “ 500*l.* 100*l.* 50*l.* more or less yearly revenues,
 “ fell to extreme misery, could no ways please the
 “ statists, but in being miserable. Whereupon they
 “ endured such ravengings, pillagings, and pollings,
 “ such exiles, imprisonments and tortures, such en-
 “ slaving of their persons, and such effusion of their
 “ innocent blood, as came not short of the Arian
 “ persecution itself: even such as neither eye has
 “ seen, nor ear heard of, in any christian common-
 “ wealth.”

The gloom and mental agony, in which the last
 days of *her*,—by whose ministers these persecutions
 of the catholics were devised, have been recorded by
 almost all her historians, but accounted for satis-
 factorily by none. The story of the earl of Essex,
 the countess of Nottingham and the ring, have been
 elevated to history by the pen of Hume: the age of
 Elizabeth, for she was, at this time, in her seven-
 tieth year, would appear an insuperable objection to
 its truth, if other circumstances of her life did not
 prove, that, even at this period, she was susceptible
 of romantic fondness. It is, however, evident that
 these circumstances, without being the sole cause of
 the queen's distress, might lead her to retrospective
 meditations; and that the illusions of vanity, plea-
 sure, passion and ambition then ceasing to operate,
 she might strongly feel, that she stood on the verge

of eternity, and was soon to render to the God, who commanded us to love our neighbour as ourselves, an account of all that had been done to secure to her the honours and the power, which she was soon to quit for ever. That her woe arose from this cause, the dismal circumstances related of it, render as probable as any, which has yet been assigned.—“Two letters,” says major Rennel *, “written by the emperor Aurengzebe, in his last moments, to his two sons, furnish this striking lesson to frail mortality, that, however men may forget themselves during the tide of prosperity, a day of recollection will come sooner or later.—Here we are presented with the dying confession of an aged monarch :—how awful must his situation appear to him, when he says,—‘wherever I look, I see nothing but the Divinity!’”

CHAP. XLI.

JAMES THE FIRST :—HIS ACCESSION TO THE THRONE.

1603.

FEW sovereigns have ascended an ancient throne, by a title quite so clear, as that of James I. On the death of Elizabeth without issue, the line of Henry VIII. her father was extinct; it became

* Introduction to his Memoir on the Map of Hindustan, lxiii. note.

therefore necessary to recur to the other children of Henry VII, her grandfather.

Margaret, the eldest daughter of that monarch, having married James IV. of Scotland, James their grandson,—the sixth Scottish and first English monarch of that name,—was their lineal heir. Thus he represented both the house of York and the house of Lancaster: the rights also of the Saxon monarchs had, in consequence of the marriage of Margaret, sister of Edgar Atheling, daughter of Edward the outlaw, and grand-daughter of Edmund Ironside, with Malcolm king of Scotland, been transmitted to him.

The first act of his first parliament, was, “to recognize and acknowledge, that, immediately upon the dissolution and decease of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted succession, descend and come to his most excellent majesty, as being lineally, justly and lawfully next and sole heir of the blood royal of the realm.”

Every reader of these pages is apprized of the state of uncertainty, in regard to his succession to the British throne, in which the monarch was kept by queen Elizabeth, till the last moment of her life: it is less known that he had apprehensions from other quarters. The president de Thou* informs us, that Roger Creighton, the abbot of Pignerol, in his *Life of Laurea*, cardinal protector of Scotland,

* Hist. lib. xxvi.

and for some time secretary to queen Mary*, relates, that Mary made her will on the day preceding her death; that, after declaring in it her constant attachment to the catholic faith, she ordered, "that her son should never succeed to the crown of England, unless he abjured his heresy; and that, if he persisted in it, she transferred the right to that crown to Philip of Spain; that the cardinal having examined the document and compared it with several letters, which he had received from the queen, was satisfied that it was her handwriting; and that he signed it and caused it to be signed by Lewis Owen, the bishop of Cassano, and placed it in the hands of the condé Olivarez, the Spanish ambassador at Rome, to be transmitted by him to his sovereign." A vague report of this supposed will appears to have been in circulation, at the time of the Spanish armada; but, some circumstances shew it to have been without foundation. Had there been such a will, Philip would certainly have produced it on his projected invasion of England; and the existence of it is irreconcilable with the circumstance related of Mary, that, a few hours before her death, she perused a will, which she then recognized, and directed to be delivered, as such, to Elizabeth. De Thou

* Through him, Pius V. had sent Mary, soon after her accession to the Scottish throne, a present of 20,000 crowns;—his holiness had also intended to confer on him the dignity of apostolic nuncio to her: but on the representation of the queen, Laurea stopped at Paris, which he had reached in his way to Scotland.—Robertson's Hist. of Scotland, book iv.

himself treats the story, which we have related from him, as doubtful*.

It is, however, certain, that "The Conference on the Succession," published, as we have seen, under the name of Doleman, gave James great uneasiness. In 1596, he entered into a negotiation with the king of Spain through lord Ogilvy†. That nobleman presented to the king's ministers a memorial, stating the reasons, which induced his Scottish majesty to desire a league with the Spanish monarch. These were,—his wish to revenge the death of his mother;—to provide a defence against the act of the English parliament, excluding from the throne the kindred of those, who had conspired against queen Elizabeth; which act, he said, was levelled against him;—to enforce the promise, which Elizabeth had made to him, at the time of the armada, that she would, without delay, declare him successor to the crown, and prince of Wales;—to revenge also the murder of his father, and the various seditious

* Yet it long continued to be a subject of conversation. Sir Charles Cornwallis, writing in 1606 to the earl of Salisbury, says, "They, (the Spanish government), busily, as I am informed, seek for the testament of the king's mother. By that will, (written, as it is said, with her own hand), the queen, in case the king her son should not become a catholic, devised her kingdom of Scotland, and all her rights in England, France and Ireland, to the king of Spain. Having lost the force of their own arms, and almost the hope of recovery or continuance of their own dominions, they would now, as it seems, perfume themselves with some smoke of title of other princes." Winwood's Memorials, vol. ii. p. 230.

† Winwood, vol. i. p. 14-20.

practices within his kingdom, both during and subsequent to his minority, which he attributed to that princess ;—her encouragement of the turbulent preachers ; her protection of the rebels against him ; her detention of his English property, and her attempts to get his son, the prince of Scotland, into her power.

To induce the king of Spain to accede to the proposed league, his Scottish majesty offered to be reconciled to the see of Rome ; to conclude a general offensive and defensive league with Spain ; to restore to their blood and fortune all the Scottish noblemen, who had forfeited them for adherence to the catholic faith ; to give protection to the English and Irish catholics, who should fly to Scotland from persecution in England or Ireland ; to recal to Scotland all its natives, serving against Spain ; to supply the Spanish monarch with a certain number of Scottish troops, as a security for his performance of his engagements, and to deliver up his son to the Spanish monarch.

For this, he required that neither the king, nor any person in his right, should pretend to any title to the crowns of England, Scotland, or Ireland ; and that the Spanish monarch should furnish the king of Scotland with money, and commence the war against England.

These offers becoming public, Dr. John Cecil, an English priest, employed by the earls of Angus, Errol, Huntley and other catholic lords, presented to the Spanish government, a counter memorial :—they objected personally to Ogilvy ; they accused

him of being connected with the adversaries of the Spanish party, and charged him with known hostility to cardinal Allen, Persons and others, who sincerely wished the conversion of England; and they alleged that the document itself was of a suspicious nature.

They further suggested, that James had not discovered, even by a single action, the least indication of partiality towards the catholic religion; that, in some written works he had expressed himself against it; that his delay in revenging the death of his mother shewed the insincerity of his actual professions; that he had often checked the exertions of those, who wished it to be revenged; and that he had betrayed them, and even confiscated their estates.—They then reflect on his personal honour and courage; and conclude by saying, “that the true cause, which had really moved the “king of Scotland and the politicians who favoured “him, to make a shew of intending to embrace the “catholic religion, at that time, was Doleman’s “book on the subject of the succession of the crown “of England, wherein it was declared, that the “king of Scotland had many companions in the “pretension to that succession; that all of them “had very probable rights; and that no pretender “could be admitted by the catholics, whatsoever his “right might be by blood, unless he were a known “catholic. The king of Scotland,” they say, “found that the book had made much impression “on all sorts of people, and therefore would willingly secure his own interest, by the way of

“league and union with his holiness and with his catholic majesty *.”

It appears that Dr. Cecil's counter memorial produced so much effect, that Ogilvy was detained at Barcelona, till it could be ascertained, whether the commission which he produced from James was genuine. What afterwards became of this affair, the writer has not been able to discover. From some passages in Winwood's Memorials, it is probable that Dr. Cecil afterwards made his peace with the English government. The writer suspects that, if Ogilvy were not altogether an impostor, he greatly exceeded the commission with which he was entrusted.

Some intercourse between James and the see of Rome also took place during the reign of queen Elizabeth. In 1599, Mr. Drummond, a Scotsman, was the bearer of a letter and of some verbal communications from the monarch to Clement VIII, who then

* It is observable that doctor Cecil's memorial accuses king James of having not only consented to the death of his mother, but actually promoted it, by the master of Gray his ambassador.—The editor of Winwood's Memorials, intimates his disbelief of the charge; the master of Gray being no better than a spy and tool of Burleigh: but doctor Mc'Crie, in his *Life of Andrew Melville*, recently published, (vol. i. p. 365, 366), mentions some facts, which may be thought to countenance, to a certain extent, doctor Cecil's assertions. Hume, (ch. xlii.), mentions the general belief that the “master of Gray had been gained by the enemies of Mary, and secretly gave his advice not to spare her, and undertook in all events to pacify his master.”—See also Burnet's *Hist. of his own Times*, fol. ed. p. 312.

filled the pontifical chair *. The instructions given to Drummond import that “ he was sent to the “ pope, the duke of Tuscany, the duke of Savoy, and “ other princes and cardinals ;”— he was directed to represent to them, among other things, that, “ though his majesty persisted in the religion which “ he sucked in from his infancy, yet he was not so “ void of charity, but to think well of all christians, “ if so be they continue in their duty, first towards “ God, and then towards the magistrate, whose “ subjects they are :” and that, “ his majesty had “ never exercised any cruelty against the catholics “ for religion.” Queen Elizabeth had notice of the letter soon after it was sent, and reproached James with it. James denied it ; and sent to her a person of the name of Drummond, who was said to have taken the monarch’s letter to the pope.— Drummond, with the most solemn imprecations, disclaimed any knowledge of it, to her majesty. Here, the matter rested, till James’s contest with cardinal Bellarmine, respecting the oath of allegiance proposed to the English catholics. Bellarmine then produced the letter : James still denied it, and charged Balmerino, his secretary, with having sent it without authority : Balmerino pleaded guilty, and was dismissed from his office of secretary, but continued in the possession of an ample income : he was much considered by James, and frequently corresponded with him †.

* Dodd, vol. ii. p. 460. Rushworth, vol. i. p. 162.

† Kennett’s Complete History of England, vol. ii. p. 666, note.

There is, however, other evidence of James's connection with Rome. Father Persons, in a letter to the general of his order *, after stating that he had obtained for James and his mother 24,000 crowns from the king of Spain, mentions his having received 4,000 crowns from pope Gregory for the same purpose.

With the death of Philip II, and the marriage of the infanta with duke D'Albert, all the hopes of father Persons, to place a catholic prince on the thrones of England and Scotland, failed.—Soon after the accession of James, he published the “ Three Conversions of England,” his most important work :—in the preface to it, he thus addresses the English catholics :—“ As to the person now advanced,”—meaning James,—“ I know there was “ never any difference among you ; but that you “ ever desired his advancement, above all others, as “ the only heir of that renowned mother, for whom “ your fervent zeal is known to the world, and how “ you have suffered by her adversaries for the same. “ Yet do I confess, that, touching the disposition of “ the person for the place, and the manner of his advancement, all zealous catholics have both wished “ and prayed,—that he might first be a catholic, “ and then a king, this being our bounden duty “ to wish, and the greatest good to be obtained for “ him : and to this end and no other, hath been “ directed whatsoever may have been said, written “ or done by any catholic, which with some others,

* More, p. 119.

“ might breed disgust.” Sir Francis Winwood, in a letter to secretary Cecil, dated 27th February 1601, mentions that Persons had the week before addressed a letter to the ambassador of Spain, excusing himself for what he had written against the Scottish monarch, and desiring, by his mediation, to find admittance into his majesty’s favour and grace, protesting that he would relinquish the service of any other, and adhere only to him, upon the smallest shew of the least favour to catholics*.

Some reason,—perhaps a wish to soothe the British government,—induced Clement VIII, about this time, to express to Aquaviva, the general of the society, a wish that Persons should leave Rome for a time; he accordingly retired to Naples, and did not return to Rome until after the death of Clement †.

CHAP. XLII.

THE CONSPIRACY OF SIR WALTER RALEIGH.

1603.

THE conspiracy of sir Walter Raleigh and his associates, appears to be involved in impenetrable obscurity. The ultimate objects of it were indistinctly understood by the conspirators; but, in their first measure,—the placing of lady Arabella Stuart on the throne,—they were all agreed. It has been mentioned in a former part of this work,

* Winwood, vol. i. p. 388.

† More, p. 386.

that Henry VIII, by his will, limited the crown, in default of issue of his daughters Mary and Elizabeth, to Eleanor, the second daughter of his younger sister Mary, and the heirs of her body, to the entire exclusion of the Scottish line, or the descendants of Margaret his eldest sister. The validity of his will was questioned; and, so far as it regarded the limitation of the crown to the lady Eleanor, it was entirely disregarded. Margaret, as we have seen, was married, first to James the fourth of Scotland, and after his decease, to Archibald earl of Angus. James the English king was the great-grandson and heir of the first marriage, lady Arabella Stuart was the great-granddaughter and heiress of the second. By the act of the twenty-seventh of queen Elizabeth, a person found guilty of pretending to the crown, or attempting any invasion, insurrection, or assassination against queen Elizabeth, was excluded from all claim to the succession. The queen of Scots was evidently within the provisions of this act; and supposing it to extend to James, the lady Arabella was legal heir to the crown*.

Some time before the death of Elizabeth, Cecil, by the mediation of sir George Hume, afterwards created earl of Dunbar, made his peace with James, and afterwards kept a correspondence with him, through the remainder of the reign of Elizabeth. On the accession of James to the throne of England, he gave his entire confidence to Cecil, and

* This was strongly urged against James, by Persons. (Doleman, part ii. ch. iv.)

neglected Raleigh. This irritated the latter *, and brought him into acquaintance and familiarity with men as discontented as himself; differing in their views, but agreeing in the wish of a new order of things, and particularly in the removal of James, and the placing of the crown on Arabella, as a necessary measure to accomplish their objects. A conspiracy was never framed of more discordant materials: Raleigh was generally thought to be a deist; lord Grey was a puritan, lord Cobham a professed debauchee; they were joined by half-a-dozen other gentlemen, and by Watson and Clarke, two roman-catholic priests. All were tried and found by the jury, to have been guilty of high treason. The execution of sir Walter Raleigh was respited; Cobham, Grey and Markham were pardoned; Brooke, Watson and Clarke suffered the punishment of traitors. "The two priests," says an eye witness, in a letter published in the Hardwicke State Papers †, "led the way to the execution, and were both very bloodily handled; for they were both cut down alive, and Clarke, to whom favour was intended, had the worse luck,

* Kennett, (Compl. Hist. of England, vol. ii. p. 663), says, that Raleigh presented a memorial to James, in which, "with a singular bitterness of style, he vindicates queen Elizabeth from the death of Mary, and lays the death of that unfortunate queen, chiefly at the door of Cecil, the monarch's minister, and his father; for which he appeals to Davison, then in prison, the man that had despatched the warrant for her execution, contrary to queen Elizabeth's express command."

† Vol. i. p. 377.

“ for he both strove to help himself, and spoke after
 “ he was cut down. They died boldly both ;
 “ Watson, as he would have it seem, willing ;
 “ wishing he had more lives to spend, and one to
 “ lose for every one he had by his treachery drawn
 “ into this treason. Clarke stood somewhat upon
 “ his justification, and thought he had hard mea-
 “ sure ; but imputed it to his function, and there-
 “ fore thought his death meritorious, a kind of
 “ martyrdom.”

The whole of this transaction is yet a mystery. Sir John Hawles, solicitor general in the reign of William III *, remarks, that “ what was proved
 “ against the lords Cobham and Grey, Watson and
 “ Clarke, does not appear ; or how their trials were
 “ managed.—He declares it to be plain, that, in
 “ his day, sir Walter Raleigh’s was thought a sham
 “ plot.—“ *Aquæ turbatæ sunt*,” says Wilson †, the
 biographer of James, “ *et nemo turbavit*.”

Whatever may have been the part of Watson or Clarke in this transaction, the catholics have never placed them among the sufferers on account of religion, or thought them entitled to particular commiseration.

It is observable, that both Watson and Clarke were strenuously opposed to the Spanish party, and that each had written with great vehemence against the jesuits, as its active partisans. Both, on the

* Reply to sir Bart. Shower’s “ Magistracy and Government of England vindicated,” p. 32 ; and see Winwood’s Mem. vol. ii. p. 8, 11.

† Life of James I.

scaffold, acknowledged, and asked pardon of the society, for the intemperance of their writings. "It was very fit," says Dodd "in his account of Watson, "that he should make a disclaim of his "passion, and several groundless aspersions, which "he had uttered."*

CHAP. XLIII.

THE DISPOSITIONS OF JAMES THE FIRST TOWARDS THE CATHOLICS AT HIS ACCESSION TO THE THRONE: HIS IMMEDIATE PROCLAMATION, AND LAWS AGAINST THEM: THEIR DISAPPOINTMENT AND FEELINGS.

THAT the disposition of James I, when he ascended the throne of England, was favourable to the roman-catholics, was certainly, at that time, universally believed. His mother, the unfortunate queen of Scots, and George Darnley, his father, were catholics, and James was baptised by a catholic priest and confirmed by a catholic prelate. He was known to be fond of the solemnity of the religious service of the catholics. Their hierarchy, the general habits of obedience, which they shew to their pastors, and which their inferior shew to their superior clergy, accorded with his notions of subordination, and seemed to him, as they certainly are, excellently calculated to dispose the mass of the body to general order and regularity. On the other hand, he was disgusted with the total absence of

* Vol. ii. p. 380.

gradation of rank in the presbyterian ministry, with their gloomy devotions, and levelling doctrines. Their frequent disturbances of the government, and the personal insults, which they had offered both to his mother and himself, increased this disgust. He could not but recollect that the catholics had been steadily attached to his mother under all her afflictions, while the presbyterians had been their principal cause. When, therefore, he acceded to the English throne, it was generally expected that some degree of favour would be shewn to the catholics. They hoped for a repeal of the sanguinary part of the laws enacted against them, and that the exercise of their religious worship, under certain gentle restraints, would be allowed them.

These just and rational hopes were strengthened by declarations in their favour, which the monarch had made to several individuals. It was even said, that secretary Cecil, in a conversation with some catholics of distinction, had assured them that the king would not frustrate their expectations*. It may be added, that from every part of his conduct the king appears to have had much more liberal notions of religious toleration than the generality of his contemporaries.

Neither were the catholics wanting to themselves: immediately after the accession of James, the catholic gentlemen of England signed an address to his majesty dutifully and loyally expressed, and praying,

* See a curious passage in Winwood (Mem. vol. ii. p. 136):—Sir Everard Digby, on his trial, charged Cecil publicly, with having made this promise.

for a toleration of their religion : it was presented in July 1604 *. It is written with great perspicuity and force, but in the language of moderation and respect. The subscribers explain the reason of their former silence, and of their actual address. They observe that queen Elizabeth always professed to punish none for religion : they expressly mention that the first twelve years of her reign, “ as “ they were free from blood and persecution, so “ they were fraught with all kind of worldly prosperity.”—They attribute the sanguinary laws, afterwards enacted by her, to the jealousy which she entertained of the Scottish queen, to the sentence of the catholic church on the invalidity of Henry’s divorce, and to the excommunications promulgated against her : they state succinctly the

* The draft of it was printed with the following title; “ A Supplication to the King’s most excellent Majestie, wherein, “ several reasons of state and religion are briefly touched: “ not unworthy to be read, and pondered by the lords, “ knights, and burgesses of the present parliament and other “ of all estates. Prostrated at his highness feete by true “ affected subjects. Nos credimus propter quod et loquimur. “ 2 Cor. iv. 13. We believe, for the which cause we speak “ also. 1604, 8vo.” It was afterwards enlarged, and so enlarged, was signed and presented. It was then printed with the following title; “ A Petition Apologeticall, presented to “ the Kinge’s most excellent Majesty by the Lay Catholics “ of England, in July last. In eo quod detractent de vobis “ tanquam de malefactoribus, ex bonis operibus vos considerantes glorificent Deum in die visitationis. And wherein “ they misreport of you as malefactors by the good works “ considering you they may glorify God in the day of his “ visitation. 1 Pet. iii. 12. Printed at Douay, by John Mogar, “ at the sign of the Compass, 1604.”

reasons of their adherence to the catholic religion ; and dwell with great force, on the proofs which the catholics had given of their loyalty :—they observe that, when the armada threatened the coast, “ the catholics beseeched, they importuned to be employed in the service, with their sons, their servants and their tenants, at their own charge ; to be placed in the first front of the battle ; to be placed unarmed in their shirts before the foremost ranks of the battles, to receive in their bodies the first volley of the enemy’s shot, to leave an undoubted testimony, by that their death, to stop the mouths of the serpentine maligners of their unspotted integrity, and true English loyalty.”

They mention that, after the dispersion of the armada, a protestation of duty and allegiance was sent to Wisbech castle, and tendered to be signed by the roman-catholics imprisoned there for their religion ; that it was read to each individually ; that they were not permitted to confer upon it, but that each was desired to write his own profession of allegiance. “ This,” they say, “ was performed in that ample manner, by the prisoners, that the commissioners, singularly extolling and greatly preferring the same, before the said original, accepted thereof,” and sent it to the lords of the privy council, “ to whom the said protestation being sent, and by them perused, they received such a full approbation, that after that time, never any odious imputations against the fidelity of the catholics prevailed.” They dwell on the loyal conduct of the Irish catholics when the Spaniards

landed at Kinsale in 1600; "The argument of our former behaviour," they say, "and of our obedience under the severity of the late queen, may, in all reason, assure your majestie, that, in matter of our loyalty, we are like pure gold, fined and refined, in the fire of many years probation, and therein not to be in anywise stained."—They proceed to contrast their own loyalty, with the contrary conduct of their accusers; they conclude by assuring his majesty, that nothing could or ever should divide them from subjection and dutiful affection to him.

To this address a short "letter of the banished priests, to the lords of the privy council," is added, "beseeching their honours will conceive of them, as of men that have the fear and grace of God before their eyes, and the sincere love of their prince and their country in their hearts*."

But soon after James ascended the throne, circumstances took place, which induced the catholics to believe that there was no reason to expect from

* An answer to this address was published under the title of "A Supplication of certain Masse Priests falsely called Catholicks. Directed to the king's most excellent majesty, now this time of parliament, but scattered in corners, to moove malcontents to mutinie. Published with a marginall glosse, and an answer to the libellers reasons, againe renewed and augmented, and by sections applied to the several parts of the supplicatory defamation. James iv. Petitis et non accipiitis, eo quod male petitis. Yee supplicate, and do not obtain, because yee ask lewdlie. 2 Cor. vi. What agreement has the temple of God with idols? London, imprinted for Wm. Aspley, 1604."

him any mitigation of the penal laws, under which they suffered. In the February after his accession to the throne, he convened his council, and assured them, that "he never had an intention of granting toleration to the papists;" that, "if he thought his son would condescend to any such course, he would wish the kingdom translated to his daughter;" that, "the mitigation of the payments of the recusant catholics*, was in consideration that not any one of them had lifted up his hand against him, at his coming in; and so he gave them a year of probation to conform themselves: which, seeing it had not wrought that effect, he had fortified all the laws that were against them, and made them stronger, (saving from blood, from which he had a natural aversion), and commanded that they should be put into execution to the uttermost."—His intentions in this respect were signified publicly by the lords in the star chamber, and by the recorder to the lord mayor and city of London†. The arrears of the fines due for recusancy, were immediately collected with great rigour.

He afterwards issued a proclamation, in which, after adverting to the disputes between the established church and the dissenters; and intimating his hopes of a speedy and satisfactory settlement of these, he announced, that "a greater contagion to the national religion than could proceed from

* That is,—of the forfeitures, which they had incurred for recusancy.

† Winwood, vol. ii. p. 49.

“ those light differences, was imminent, by persons, common enemies to them both ;—namely, the great number of priests, both seminarists and jesuits, abounding in the realm ;—partly upon a vain confidence of some innovation in matter of religion, to be done by him, which he never intended, nor gave any man cause to expect.” He therefore commanded all manner of jesuits, seminarists, and other priests whatsoever, to depart from the realm, and never to return, upon pain of being left to the penalty of the law without hope of favour or remission.

His majesty then sent for the judges, and gave them a strict charge to be diligent and severe in their circuits against recusants, and to execute the laws against them, particularly those laws, which ordered their banishment or confinement : “ Yet,” writes sir Henry Neville, in a letter giving this information to his majesty’s minister at Madrid, “ it is generally feared that there will be none of the priests executed, without which I doubt,” says sir Henry, “ all the other provisions will be fruitless ; yet, they are the root and foundation of all the mischief. It seems the rule is here forgotten, *d’être tout bon ou tout mauvais* ; this *via di mezzo* is always the worst *.”

* Winwood, vol. ii. p. 77, 78.—This minister was succeeded by sir Charles Cornwallis : many letters of sir Charles are inserted in Winwood’s Memoirs ; they shew his vigilance over every movement of the Spanish party ; he describes the persons, the dress and even the hair of suspected individuals, who passed from Spain into England.—In one of his letters, he informs his majesty’s ministers, that, in a particular barrel in the

It was known to the catholics that similar counsels had been pressed on his majesty from other quarters.

But nothing alarmed them more than an expression imputed to Dr. Bancroft, who had recently been translated from the see of London, to that of Canterbury. Some catholics having waited upon him, and represented to him their distressed situation, and implored his exertions to procure a repeal of the severer part of the laws, which had been passed against them, Bancroft sternly told them, that “ the measures of Elizabeth, which they “ thought severe, would be found mild, indeed, in “ comparison with those, which were soon to be “ passed and executed in earnest against them ;” that, “ in the latter part of the reign of Elizabeth, “ it had been thought advisable to pursue a middle “ course in their regard, inclining rather to mildness than severity, not amounting to absolute “ impunity, nor yet to punishment equal to their “ merits ;” that “ this conduct had been adopted “ by her majesty’s ministers, because they could not “ foresee what would take place at her decease ;” that “ if the wrath of heaven should then place a “ popish king on the throne, he might retaliate on “ the protestants, that persecution, which they had “ inflicted on the catholics, during the reign of “ her majesty ; in like manner as they had revenged.

cellar of a wine merchant in London, whom he names, they would find an instrument for framing and imprinting the bread wafers, intended to be consecrated for the service of the altar.

“ the sufferings of the catholics in the reign of Edward VI, upon the protestant subjects of Mary : but, thanks to God ! ” says the archbishop, “ these apprehensions are at an end : the king is firmly seated on his throne, and is blessed with issue, who are our security for the future. Thus the time is come, when we may act against the catholics without dissimulation or mercy, that is, exterminate them *.”

The proclamation of James, was speedily followed by a statute †, which enacted, that the laws of queen Elizabeth against jesuits and seminary priests should be put into execution. Two third parts of the real estates of every offender were directed to be seized for recusancy, and all, who had been, or were educated in seminaries, were rendered incapable of taking landed property by descent ‡.

At the solicitation of the English catholics, the emperor and the kings of France, Spain and Poland interceded with James, for some relaxation of the penal laws enacted against them. When the constable of Castile came into England to ratify the peace, which had been concluded between the monarchs, he particularly pressed this measure on

* Bartol. 1st. lib. iv. c. 3.

† 1 Jac. I. c. 4.

‡ Father Juvenci, assigns for these several enactments, a cause which certainly did not exist. “ The catholics,” says the good father, “ were in the habit of submitting their differences, to the arbitrement of priests. To see themselves deprived of the source of gain, afflicted the lawyers, who are supported by quarrels and dissensions, as physicians are by sicknesses and deaths.” *Hist. Soc. Jesu, lib. xiii. p. 42.*

James. It is said that Cecil dissuaded him from listening to these solicitations, by suggesting to him, that, "whatever favour might be shewn to the catholics, it was evidently for the interest and honour of the British sovereign, that these should not be considered by them, to be owing to the exertions of any foreign potentate, but to proceed entirely from his majesty's spontaneous feelings." Care therefore was taken to make it publicly known, that the peace was signed between the kingdoms without any stipulation in favour of the catholics; or any secret understanding that they were to be relieved, in the slightest manner, from the severities of the penal code.

The disappointment of the catholics was now very great; they had fallen, from a high degree of hope, into absolute despair: the general body submitted with patience; but some ardent spirits exhibited alarming symptoms of resentment. The catholic clergy strove to moderate the feelings, more natural than excusable, of these angry men; they even went so far as to solicit from the Roman pontiff an authoritative exhortation, to the general body, to bow in patience to the storm, with which they were threatened; and to bear, with religious feelings of resignation and hope, its dreadful visitation.

CHAP. XLIV.

Vol. I. c. 24. p. 278.

THE GUNPOWDER CONSPIRACY.

1606.

WE now reach an event, which subjected the English roman-catholics to more than a century of persecution and general odium. It was equally our duty and intention to present a full and an impartial account of it, to our readers. For this purpose, we transcribed in a former volume, the relation which Hume gives of it in his history, but with the omission of some passages, in which we particularly distrusted his accuracy. We shall insert, in the next chapter, a translation of the account given of it, and especially of the part, which father Garnett took in it, by father More* a jesuit, in his *History of the English Mission of the Society of Jesus*: in the following chapter we shall offer some observations on the conduct of father Garnett and of some other jesuits implicated in the charge of participating in the conspiracy; and some remarks on the accusation brought against secretary Cecil of having

* The account given by father More of the plot, and of the conduct of father Garnett, is confirmed by a manuscript relation of them by father Gerard, who is afterwards mentioned in the text: it was written in English, and translated into Italian;—the thirteen first chapters of the translation have been seen by the editor. See also some excellent remarks on the plot in the *Catholic Gentleman's Magazine* for Aug. 1818, p. 489.

contrived it. We shall then inquire, whether the guilt of the conspiracy can be justly imputed to the general body of the English catholics.—In the Appendix* we shall insert from Winwood's Memorials, the account of it, which the British government appears to have transmitted to its foreign ministers.

CHAP. XLV.

TRIAL OF FATHER GARNETT, OF THE SOCIETY OF JESUS, AND OTHERS, FOR THE GUNPOWDER CONSPIRACY.

“JAMES,” says father More; “on his accession to the important government of England, with a view to conciliate the minds of every party, had made vast promises to all; and particularly to those catholics, whom high family rendered respectable at home, and whom exile had introduced to the notice and esteem of persons of distinction in foreign countries. He had either explicitly promised, that the severity of the laws against the catholics should be mitigated; or by shewing that the inhumanity of Elizabeth’s penal code was foreign to his disposition, had not obscurely intimated that the catholics should enjoy, under his reign, a free exercise of their religion. The religion of his mother also raised this hope; he himself, though he had deviated

* See Appendix, Note IV.

“ from it but it was in his boyhood, and
“ was thought to be owing more to the calamity of
“ the times than to his own judgment. Nor could
“ a courier, privately sent by the king to the pontiff,
“ the cardinal Aldobrandini, and others, steal so
“ secretly into the holy city, without its coming
“ to the ears of the public ; and that very cir-
“ cumstance, such as it was, upheld the hope of
“ the moderation of the monarch ; but it soon
“ began to be observed, that the universal favour,
“ both of his subjects and of the neighbouring po-
“ tentates, having rendered him quite secure in the
“ possession of the throne, he seemed to give a more
“ ready ear to the old ministers of Elizabeth.
“ These considered that too much indulgence was
“ always shewn to the catholics, if they were not in
“ a state of absolute oppression ; and they were
“ now perhaps of opinion, that it was less proper
“ to grant them any indulgences, as the rigid cal-
“ vinists, whose restlessness James had for many
“ years experienced in Scotland, were still kept
“ under some restraints. Hence, before the first
“ year of his reign was elapsed, a bill was brought
“ into the parliament convened on the 19th of
“ March, in which all the laws which Elizabeth had
“ enacted against the catholics, were directed to be
“ put in force, not only against priests and jesuits,
“ but also against all persons of that communion.”
This is the act mentioned in the preceding chapter.
—Father More then states the proclamation, which
we have also noticed, and proceeds as follows :

“ After these acts were passed, and when a petition
“ of the catholics, in which they had most humbly
“ prayed for some relaxation of the laws enacted
“ for their destruction, had been rejected, the hope
“ of a more moderate government was wholly ex-
“ tinguished in the hearts of many catholics ; this
“ was so much more the case, as they had lost all
“ confidence in the king. Contrary to what he had
“ declared not long before, he now expressly
“ avowed, that it had ever been far from his in-
“ tention to make any new law on the subject of
“ religion : and although the priests were princi-
“ pally pointed at by the act, which he had passed,
“ yet the penalties of it were equally denounced
“ against the whole body ; for, in the first place,
“ no one could be secure in own house from perse-
“ cution and vexation ; and, in the next place,
“ every one who received a priest into his house,—
“ (and without the presence of a priest he could not
“ exercise his religion),—incurred by James’s law,
“ if the priest was found in it, the guilt of high
“ treason.

“ Add to this, that the fourth section of the act,
“ passed in the first session of the parliament, ex-
“ tended to all the former laws which had been
“ enacted against catholics, and, by the royal assent,
“ gave them new activity. What could be expected,
“ or looked for, from a man, who, after he had ex-
“ perience, during a long series of years, the attach-
“ ment of the catholics, and the hostility of the pu-
“ ritans to himself and his mother, while he reigned

“ in Scotland, now professed, without any reason,
“ that he had more to dread from the catholic priests
“ than from the rigid calvinists? I say, what could
“ be expected from such a man, but that he would
“ persecute the catholics with that hatred which
“ the puritans in Scotland had so much merited?
“ What the proclamation says respecting the danger,
“ which the king had incurred from the catholics
“ not many months before, is not intelligible: for,
“ although the priests, Watson and Clarke, were
“ found in sir Walter Raleigh’s conspiracy, and
“ perhaps suffered death deservedly, yet not even
“ the anti-catholics themselves can make out what
“ ought to be thought of that conspiracy.—‘ This
“ conspiracy,’ (says Wilson, in the History of those
“ times), ‘ put on such a face, that few or none could
“ discover or know what to make of it. That the
“ muddy waters were stirred, was apparent, but it
“ was with such a mixture, that little could be
“ visible in it. The lords Grey and Cobham, and
“ sir Walter Raleigh were protestants; why should
“ they strive to alter religion, though the priests,
“ Markham, Baynham, and others might? But it
“ seems they joined together in a politic way, every
“ one intending his own ends: discontent being
“ the ground-work upon which they built this
“ slight superstructure, that, being huddled toge-
“ ther, could not stand long. Raleigh’s great
“ accuser was a letter of Cobham’s, which, some say,
“ afterwards he denied to be in his hand. Some of
“ the conspirators may have desired to seem for-
“ midable, venting their anger so, for being slighted:

“ others strove to make themselves so, that they
“ might have the glory of enlarging the Roman
“ powers; or they joined together, thinking their
“ single strength would not prevail. In this cloud,
“ looking for Juno they begot a monster, which
“ having neither head nor foot, some part lived,
“ the other died *.’—The two priests atoned for
“ their rashness by their death; Markham and
“ Baynham, though catholics, expiated their fool-
“ hardiness by banishment; and, of the protestants,
“ some were punished by death, others by the loss
“ of their estates. In this manner, the new king
“ thought proper to disperse the gloom, which had
“ sprung up so unseasonably; but, from whatever
“ quarter the disturbance arose, the ministers of
“ James took care that not the naked fact, but an
“ exaggerated account of it, should be spread
“ among the people, in order that suspicion might
“ fall on the most innocent, and government avail
“ themselves of it, whenever it could be made
“ available to their views. This ought to have con-
“ tained the catholics against all such attempts:
“ but who can contain within the bounds of duty,
“ minds both untamed and exasperated by long
“ persecution?

“ The first parliament had petitioned that none
“ of the laws enacted by Elizabeth against the ca-
“ tholics should be repealed; to this, James
“ assented. In the chamber, called the star-cham-
“ ber, after a long discussion before the king, in the

* The writer has given in this place Wilson's own words, not More's translation of the passage which contains them.

“ year 1604, on the subject of the catholics, it had
“ been determined that the pecuniary fines, to
“ which they were subjected by law, should be
“ continued, and letters were issued for putting this
“ determination into execution. It added to the
“ terror of the catholics, that, after the acts against
“ them which have been mentioned, and the ban-
“ nishment of many of the priests, the protestant
“ archbishop, who had recently been translated
“ from the see of London to that of Canterbury,
“ was entreated to be lenient to the catholics, and
“ to shew what indulgence he could. To this, he
“ made answer, that, in Elizabeth’s days it was
“ more necessary to dissemble, on account of the
“ uncertainty of what would be the state of things
“ at her death, as some catholic might then possibly
“ succeed to the throne, who would be troublesome
“ to the protestants; but that, as matters then
“ stood, there was no ground, on which the catho-
“ lics could hope for indulgence or kindness, the
“ crown having been placed on the head of a lawful
“ successor; and one too, who did not want law-
“ ful heirs. Moreover, the new bishop of London
“ openly declared before the king in council,
“ that the royal family would, without doubt, be
“ annihilated, unless the catholics were utterly ex-
“ tirpated. Though it will appear that they pro-
“ phesied erroneously, yet some catholics of noble
“ family and high rank, inflamed, as it were, by
“ these fire-brands, lost all patience, bent their
“ minds to vengeance, under a pretence of piety,

“ and projected a monstrous and diabolical plot, at
“ the mention of which language shudders.

“ There are in the palace of Westminster, two
“ large halls, which adjoin each other, and are able
“ to hold more than six hundred persons ; here;
“ the king, the nobles, and a great number of the
“ commonalty are used to assemble at the opening
“ of parliament. In a hired vault, under this
“ building, the persons, whom we have mentioned,
“ stored an immense quantity of gunpowder, and
“ covered it with faggots of wood, lest it should be
“ noticed. They also engaged a man to be ready,
“ with tinder and matches, by whom, at the time,
“ when all ranks should have assembled in parlia-
“ ment, at the opening of the second session, they
“ might overwhelm, crush into pieces, and suffocate
“ the king, the principal men of the nation, and
“ numbers of the general body of the people, by the
“ great mass of buildings, which would have been
“ thrown down, with a mighty crash ; and then,
“ during the general consternation and affliction
“ for the loss of friends, and the extermination of
“ the king and the parliament, by this rash and
“ savage act of atrocity, re-model the kingdom after
“ their own fashion. For the accomplishment of
“ this object, in its full extent, their courage failed
“ them, when they reflected that many innocent
“ persons would perish with the guilty ; and that
“ the safety and lives of their friends, together with
“ those, whom they held in the light of enemies,
“ would not only be endangered but destroyed : it

“ was this, which was the cause of the discovery of
“ the conspiracy. For one of the conspirators
“ warned his friend, by letter, not to be present in
“ the house, if he had a regard for his life. When
“ this letter had been brought to the king, the
“ meeting of parliament having been postponed to
“ another day, the plot, which they had considered
“ as a perfect mystery, was discovered. When the
“ conspiracy was detected, the conspirators dis-
“ persed themselves in different directions; some
“ strove to conceal themselves; others determined
“ to hazard a battle. It was fought, and, after
“ some had been killed, the rest were taken, and,
“ after a regular trial, suffered the punishment of
“ this ill-advised scheme; but there was no small
“ suspicion, that one of the nobility had been
“ apprised of the conspiracy long before the day
“ appointed for its breaking forth, and artfully pre-
“ tended ignorance of it, in order that many more
“ might be implicated. By this artifice, he endea-
“ voured to fix, on the fathers of the society of
“ Jesus, the imputation of having been the authors
“ of the conspiracy, or of having at least been privy
“ to it. The jesuits, upon whom this imputation was
“ attempted to be thrown, were Henry Garnett,
“ Edward Oldcorn, Oswald Tesimond, and John
“ Gerard; of each of whom we shall have to speak
“ in the following narrative.

“ Henry Garnett of Nottingham, or, as others
“ write, of Hennary, in the county of Derby, was
“ born of honourable parentage, in the year 1550.
“ When a youth, he went to Italy with Ægidius

“ Gallopi, and having been admitted into the
“ society of Jesus at Rome, on the 11th of Sep-
“ tember in the year 1575, he passed through the
“ elementary studies of a religious life, under
“ Fabius de Fabiis, a man not less remarkable for
“ the nobility of his ancestry, than his religious
“ austerity. Afterwards, turning his mind to the
“ studies of sacred and profane learning, and hav-
“ ing had Christopher Clavius, Francis Suarez,
“ Benedict Pereira, Robert Bellarmine, and other
“ eminent men for his instructors, he, in a short
“ time, arrived at that degree of knowledge, that
“ he gave public lectures, first, upon Hebrew lite-
“ rature, and afterwards upon metaphysics, in our
“ college at Rome. He was also chosen presi-
“ dent of the mathematical schools, on the sudden
“ illness of Clavius ; and this occupied him longer,
“ than was compatible with his zeal for the welfare
“ of his native country. He had been marked out
“ for the English vineyard, at his own most earnest
“ entreaties, in the year 1584. But, while he was
“ doing honour to his calling, Clavius being seized
“ with a most inveterate distemper, and his life
“ being despaired of, entreated the general of our
“ society to appoint Garnett his successor in the
“ professorship. The request of this excellent man,
“ who deserved so well of the church, was neces-
“ sarily complied with : but, two years after, when
“ Clavius recovered of his disorder, and had been
“ restored to himself and his schools, Garnett hav-
“ ing obtained the permission of his superiors, bent
“ his course to England, in company with Robert

“ Southwell, in the month of July in the year 1586.
“ There, when he had spent about two years in
“ administering to the welfare of his neighbours by
“ private exercise of his duty, he was appointed, in
“ consequence of the death of father Weston, who
“ then filled that office, to the office of superior of
“ the jesuits on the English mission. From this
“ time, he performed the part both of an active
“ missionary and an excellent superior, in so perfect
“ a manner, as made him honoured by his acquaint-
“ ance, loved by strangers, and admired by all.
“ There were indeed in him a penetrating genius,
“ a keen and solid judgment, a knowledge of many
“ subjects, a ready counsel and singular ability ; to
“ these were added, experience, that mistress of
“ prudence, and, what are rarely united to these,
“ simplicity of manners, and an open unsuspecting
“ mind. He, moreover, possessed incredible mo-
“ deration, and a gentleness almost preternatural ;
“ you would say he was incapable of irregular pas-
“ sions ; he had a surprising ease of manners, and
“ an equal mixture of severity and mildness. In
“ his countenance, there was a modest pleasant-
“ ness, which familiarity never debased, gravity
“ never soured. These good qualities procured
“ him equally the love and respect of strangers and
“ of his acquaintance. So much so, that, even in
“ this trial for treason, which was instituted against
“ him by his adversaries, they could not refrain
“ from praising him ; they confessed that he was
“ not only held in great esteem and favour among
“ the catholics, but even adorned by God and

“ nature with many gifts ; noble by birth, of no
“ ordinary talents, improved by cultivation, and
“ skilled in many languages. This was so remark-
“ able, that lord Northampton said to him on his
“ trial,—Garnett ! your singular endowments, con-
“ sidered in themselves, would now rather excite
“ compassion than exasperate the feelings of your
“ fellow men. For whom would not the capital
“ conviction of such a man dispose to feelings of
“ compassion and mercy, whether you consider his
“ look or his carriage ? And shortly after, his lord-
“ ship spoke with admiration of Garnett’s composed
“ mind, his collected judgment, and the radiation
“ of innocence by which he appeared to be invested.
“ To mention the opinions, which the members of
“ our own communion entertained of him,—father
“ Persons observed, that, in the course of eighteen
“ years, during which Garnett had presided over
“ the jesuits, in the English mission, in changeable
“ and difficult times, not a single catholic, not one
“ even among those, who were ill-disposed towards
“ the society of Jesus, at that time, either said or
“ wrote to Rome any thing disadvantageous to the
“ character of Garnett: a strong proof both of his
“ singular discretion and his blameless life. Such
“ was the man,—(whom Bellarmine, once his pre-
“ ceptor, did not hesitate to style incomparable in
“ piety and learning of every kind),—who, when
“ he had toiled for so many years in the English
“ vineyard of Christ with so much labour, vigilance,
“ and danger,—fell into the hands of the bitterest
“ enemies of the church ; and, being brought to

“ trial upon a charge of treason, was the victim of
“ a most unjust sentence, and publicly suffered
“ death at London, on the third day of May, of
“ the year 1606.—The affair was conducted in the
“ following manner.

“ The greater part of the contrivers of the gun-
“ powder plot had, in their private examination,
“ cleared the members of the society of Jesus from
“ the guilt imputed to them ; a circumstance which
“ had been long felt by his majesty’s ministers,
“ whose minute attention to what was going on in
“ this affair, nothing escaped, and which had re-
“ cently manifested itself in the course of examina-
“ tion of Bates, a servant of the conspirators.
“ Nor did it seem very credible that not one of the
“ parties engaged in the conspiracy should have
“ declared to the fathers a matter of such a cruel
“ tendency, either for the purpose of asking advice,
“ or of discovering a remedy. Our adversaries
“ therefore began to fear, that the matter would
“ fail of raising a hatred and dislike of the catholic
“ religion, if it should prove to have been confined
“ to the knowledge of a few persons, and these,
“ laymen ; they therefore resolved to involve the
“ jesuits in the odium of it. With this view, about
“ two months after the detection of the conspiracy,
“ while the whole kingdom yet thought that no
“ priest had taken a part in that affair, rumours
“ were spread, and gradually gained ground, that
“ Garnett, Greenway, (who is also called Tesimond),
“ and Gerard had been discovered to have been
“ privy to the conspiracy. Afterwards, this false

“ accusation was soon sanctioned by public authority,
“ and the most virulent proclamations were pub-
“ lished through all England, in which Garnett and
“ his accomplices were said to have been convicted
“ of the monstrous deed, by the confession of the
“ conspirators; and the punishment of death was
“ denounced against every one, who should enter-
“ tain, assist or conceal them. As we are now
“ upon the subject of the confession of the conspi-
“ rators, it will not be foreign to our purpose here
“ to subjoin a letter written upon their punish-
“ ment;—from which it will clearly appear, what
“ ought to be thought of such a calumny. The
“ letter runs thus :—

“ ‘ *Most dear sir !*

“ ‘ *I doubt not, but an account of a plot contrived*
“ *among eight catholic youths of good family, with*
“ *a view to change the ancient constitution of the*
“ *kingdom, has been long ago reported to you.*
“ *All, (except four, who were killed,—Catesby,*
“ *Percy, and the two Wrights), were arrested;—*
“ *namely, sir Everard Digby, Thomas Wintour,*
“ *Ambrose Rookwood, John Grant, Robert Keys,*
“ *Guy Faux, Robert Wintour, and Bates, the ser-*
“ *vant of Catesby, and were executed on last Thurs-*
“ *day and Friday sevennight, four at St. Paul’s,*
“ *and four at Westminster. In the trial for high*
“ *treason, the case was opened by the king’s*
“ *attorney-general, and the chief guilt thrown by*
“ *him upon the catholic priests, and jesuits; he*
“ *said, that no conspiracy had ever existed, of*

*“ which they had not been the authors; and, having
“ recapitulated every plot, which had happened
“ from the days of Elizabeth, he did not even pass
“ over that of the earl of Essex, making the jesuits
“ and catholics the framers also of that conspiracy.
“ Sir Everard Digby, being brought up to trial,
“ acknowledged himself guilty, of having concealed
“ the affair; but said, that beyond that, he had done
“ nothing; that he was nowise concerned in the plot;
“ but that, as he had offended the law by having
“ concealed it, he was prepared to die. If his
“ intentions could have any weight towards his
“ exculpation, he had averred that he had no
“ private object in any part of the affair, but had
“ in view the common good of the catholics, for
“ which he had ever been ready to expose his life,
“ his property, his wife, and children, and whatever
“ in the world could be dear to a man. He added,
“ that the catholics would never have come to this
“ state of despair, if any hope of an end of the
“ grievances, under which they suffered, had
“ dawned upon them; but that they had lost all
“ hope, since the king had broken the promise,
“ which he had made to them, on his coming to the
“ throne. Upon this, Cecil rebuked him for accus-
“ ing the king, in so public a manner, of want of
“ faith; sir Everard replied that, either what he
“ said about the king was true, or that Cecil had
“ acted unfairly to his majesty, as he had promised,
“ in the king’s name, every indulgence to the
“ catholics, as Tresham and many other men of
“ very good and approved credit had reported*

“*from his own mouth.*” He added, that, since he
 “*had heard privately, that the jesuits and priests*
 “*were alleged to be implicated in this conspiracy,*
 “*and particularly Gerard, with whom he had been*
 “*intimately acquainted, he openly made oath, that*
 “*neither in the sacrament of confession, nor on any*
 “*other occasion, had he himself ever disclosed*
 “*any thing, relative to this transaction, for he was*
 “*well aware, how much Gerard abhorred things*
 “*of this nature, and he himself imagined, that all*
 “*other members of the society were of the same*
 “*disposition : so that, if any thing of that nature*
 “*had come to their knowledge, they would have dis-*
 “*countenanced it in every possible manner. Then,*
 “*entreating the king to be pleased to permit his*
 “*wife and children to retain possession of the*
 “*estates which he had settled on them before this*
 “*conspiracy, he concluded his address.*

“*“ Thomas Wintour, having pleaded guilty, said*
 “*that he neither expected, nor craved pardon, but*
 “*prayed if it could be done, that his blood might*
 “*ransom that of his brother, whom he had drawn*
 “*into guilt.—Rookwood, acknowledged himself*
 “*guilty, in no other respect, than that he had*
 “*concealed the plot; that, he had always been*
 “*prepared to undergo any disaster or danger for*
 “*the sake of religion ; and prayed the king not*
 “*to swerve from law and justice in those things,*
 “*which related to his wife and children.*

“*“ The other persons indicted spoke little : they*
 “*acknowledged themselves guilty, and openly de-*
 “*clared that they had thrown their lives on the*

“adventure, because they were not permitted to
“enjoy them without interminable distress and
“vexation, on account of their religion.

““Guy Faux would not confess himself guilty,
“because he said, that many things had been com-
“prised in the indictment, which did not affect him.

““Bates, only, entreated that he might be spared,
“and his life saved. Much was said, on that day,
“with great virulence against religion, against
“the pope, and all the priests, especially against
“Baldwin the jesuit, then in Belgium, Creawell
“in Spain, Garnett, Gerard and Tesimond in
“England, as being abettors of the conspiracy.
“A report was also spread, at the instigation of
“the ministers, that father Persons was not free
“from guilt, nor even the pope himself, to whom it
“was reported, that Baynham was sent for the
“purpose of explaining every circumstance that
“related to the conspiracy. It was, moreover,
“rumoured, that the kings of France and Spain
“and the archduke, were implicated in it, although
“we cannot believe them to have been justly
“chargeable with any guilt. As far as I have been
“able yet to learn, the impeachment of the jesuits
“rests on no other foundation than the confession
“of Bates, who is said to have accused Greenway,
“ (or Tesimond), as being privy to it; on this
“ground, that Bates asked him, in confession,
“whether he ought to obey his master, if he ordered
“him to do something to the injury of the state.
“All this is absolutely denied by Tesimond; and
“certainly Bates was so desirous of living, that he

“ *seemed likely to say any thing, in order to escape*
 “ *with impunity. I have also heard from certain*
 “ *persons, not unworthy of credit, that the pitiful*
 “ *fellow had confessed in prison, that, in the hope*
 “ *of saving his life by it, he had falsely accused*
 “ *some of our society. When in his cell, he often*
 “ *looked round him, as if he expected the news of*
 “ *his pardon; a circumstance, which a great many,*
 “ *who were present, noticed. Besides,—by an*
 “ *order of the king, it was granted to him alone,*
 “ *that the fatal rope should not be cut, until he was*
 “ *dead; which favour was granted to no other*.*
 “ *Nor did the earl of Montgomery, who was*
 “ *present at the execution, dare to promise, that*
 “ *this indulgence should be shewn to any, though*
 “ *he protested, that he was much grieved, when he*
 “ *saw them treated with so much cruelty. In*
 “ *addition to this circumstance, Cecil pleaded*
 “ *strenuously, in council, that favour and succour*
 “ *might be shewn to the wife and children of Bates;*
 “ *which proves that, Bates either did or said some-*
 “ *thing, which recommended him to indulgence..*

“ ‘ *Thus far,—exclusive of the evidence of Bates,*
 “ *there is nothing which can inculpate the jesuits,—*
 “ *not even in the book which has been published on*
 “ *this conspiracy,—nor in the examination of Faux,*
 “ *or Wintour. Nor does even Cecil, in the book,*
 “ *which he edited on the same subject, nor the*
 “ *bishop of Rochester, in the printed sermon, which*
 “ *he delivered at St. Paul’s, adduce any particular*

* We have mentioned that the populace present at Garnett’s execution insisted that the same mercy should be shewn to him.

“ fact against the society. From all these circumstances it may be collected, rather that the ministry sought to inflame a prejudice against the members of the society, than that just cause for such prejudice did really exist. However, from these trifling proofs, a proclamation was issued against three members of the order, Garnett, Gerard and Greenway, as traitors;— their persons were described, and a reward offered to those, who should discover them.—It happened about this time, that a gentleman of the name of Littleton, being condemned for treason at Worcester, because he had received Robert Wintour into his house, intimated, with a view to obtain his pardon, that Garnett lay concealed at Mr. Abingdon’s. Instantly they searched Mr. Abingdon’s house: smiths, masons, and bricklayers were employed; and, after a diligent search during many days, two hiding-places were discovered; one, in which Garnett and Oldcorn, and the other, in which little John, Garnett’s servant, and Rodolph, Oldcorn’s servant, lay hid.—There also came into their hands, many other priests and jesuits; and indeed so bloody a persecution is now raging against the priests, that, in the natural course of human events, none can escape. They seem to have determined either to apprehend them all, or to starve them all to death in their hiding-places:—this necessarily must be the case, if they persist in what they have begun; for they beset every house in which they

“suspect a priest to be, as long as they think
“proper.

“‘In this plight, are now the affairs of the catho-
“lics :—besides which, the parliament is now pro-
“jecting to accomplish its ends by new laws, and
“these much more grievous than those, which we
“have hitherto borne, so that our hope is to be
“placed in God alone,—to whom I desire to com-
“mend thee and myself. (On the sixth of February
“of the year 1606).’

“These particulars respecting the conspiracy
“were written by one, who seems to have been
“present at the trial ; and they coincide with the
“letter, which father Eudæmon Joannes, pro-
“duces, as written by Bates to his confessor, a
“little while before he was carried away to be
“executed. His copy of this letter father Eudæ-
“mon Joannes declares himself to have received
“from persons, who transcribed it from the original,
“in Bates’s own hand-writing. — It is of the follow-
“ing tenor.

“‘I said, in my last examination, that I supposed
“that Mr. Greenway had received some knowledge
“of the conspiracy ; of the others, I said nothing else
“positively, than that they were all seen by me in
“company with my master at Lord Vaux’s. I said
“too, that I saw Mr. Walley, (this was Garnett’s
“assumed name), with Mr. Greenway, after the
“detection of the conspiracy ; which is true : for,
“having been sent to that place, with letters, I
“found some persons there, and returned with

“ *Mr. Greenway to Wintour’s, for the purpose*
 “ *of meeting with my master ; from this place,*
 “ *he departed for the house of Mr. Abingdon.*
 “ *This I said ; but nothing more ; which too, I*
 “ *greatly repent of ; and I hope that I shall*
 “ *obtain pardon of God, since the hope of life,*
 “ *not depravity of heart, extorted these things*
 “ *of me, although I imagine that it will do me no*
 “ *good.*”

“ So much for Bates. These things, of course
 “ were sufficient to furnish our adversaries with a
 “ pretence for arresting Garnett, as they desired
 “ to excite enmity against us ; yet they appeared so
 “ far of no weight, that, even on the trial, when the
 “ case of Garnett was before the court, they were
 “ not brought forward, and Cecil ingenuously con-
 “ fessed, that the judges had no proof against him,
 “ till they obtained a knowledge of the conversation
 “ with his fellow prisoner. But how great was
 “ the hope, with which Bates was buoyed up,
 “ appears from the same letter, in one part of which,
 “ he says, that one day, early in the morning, being
 “ called from his bed, where he was lying under
 “ guard, he found a person, with a new dress
 “ which the jailer wished him to put on, to try
 “ whether it would fit him. ‘ Before that too,’ (says
 “ he), ‘ Lord Salisbury asked me whether I stood
 “ in need of any thing ; and reminded the jailer to
 “ provide me with a cloak, and to treat me in a
 “ liberal and obliging manner.’”

“ With regard to the conversation of Garnett
 “ with Oldcorn, his fellow prisoner, the following

“ facts are ascertained. While Garnett was kept
“ in close custody in the Tower of London, many
“ reports, unworthy of so great a man, were circu-
“ lated;—as if, through fear of torture, he had
“ divulged the secrets of confessions, and many
“ other matters on different subjects. They gave
“ out also, that he solicited the ministers to be pri-
“ vately executed, as not being able to bear the
“ public obloquy; and that he begged for his life, in
“ a womanish manner; that he was nearly worn
“ out by constant wakefulness during six whole days
“ and nights, and was not altogether in his right
“ senses; and that he uttered many things in a
“ disturbed and trembling voice. In fact, it was
“ the interest of his enemies to use a stratagem
“ of this kind, both to weaken the respectability of
“ this venerable man, and to elicit something,
“ which might be a plausible subject of accusation
“ against him. In the mean time, however, while
“ no catholic had access to him, or any means of
“ conversing with him, or of inquiring into the
“ truth of the reports spread against him, the over-
“ officiousness of his enemies in spreading the re-
“ ports we have mentioned, weakened their credit
“ in the minds of the more prudent: they were
“ at length disbelieved altogether, to the signal
“ disgrace and shame of evil-disposed persons, when
“ Garnett, in open court, stood up as the vindicator
“ and strenuous assertor of his own integrity and
“ honour. For, although his adversaries surrounded
“ and entangled him in their toils, he preserved
“ that trust in God, which he could not explain to

“ the heretics, who, to obtain evidence against him-
“ turned upside down all ancient forms and ordi-
“ nances. But, when no sufficient evidence to
“ convict him could be adduced, either from the
“ confessions of the conspirators, or from his own
“ accusers, although he was repeatedly questioned
“ by the commissioners, they, thinking to accom-
“ plish the object by stratagem, brought Edward
“ Oldcorn, who, as I just mentioned, was taken at
“ the same time with Garnett, into a room adjoining
“ Garnett’s, and gave order that the jailor, upon
“ pretence of friendship, should apprise Garnett of
“ it, and shew him a certain chink in the wall,
“ which would give him an opportunity of speaking
“ to his friend. Not long after this, Garnett,
“ being a man of a free open mind, not suspecting
“ any trick, either for the sake of confession or com-
“ fort, resolved to take advantage of the liberality
“ of the jailor. The latter, as he had been in-
“ structed by the ministers, placed in ambuscade
“ persons, who might overhear their conversation;
“ the place having been previously made and fitted
“ up for that purpose. Garnett, after the confes-
“ sion of his sins, while he was talking familiarly
“ with Oldcorn about himself and his affairs, made
“ use of expressions, which intimated that he had
“ learnt something about the conspiracy, through
“ Greenway, in the way of sacramental confession;
“ but on this condition, that, if it were known from
“ any other quarter, he should be at liberty to speak
“ of it, according to his own discretion. This, being
“ overheard by the listeners, and being reported to

“ the ministers, was deemed quite sufficient for
 “ charging Garnett with having committed treason.
 “ Let us, however, now hear Garnett himself, at
 “ he expressed himself on all these subjects, when
 “ he was publicly accused.

“ On the fifth of the calends of April, in the
 “ year 1606, not in the usual place of trials at
 “ Westminster, but in the hall, which they call the
 “ hall of *Standards*, (vulgarly Guildhall), in the
 “ middle of the city, where the lord mayor and
 “ justices are accustomed to sit in judgment, there
 “ sat, with the lord mayor, as managers of the pro-
 “ secution, the earls of Nottingham, Suffolk, Wor-
 “ cester, Northampton, and Salisbury, with the chief
 “ justice of the king's bench, the first lord of the
 “ royal treasury, and Chetwynd, a justice of the
 “ peace. About nine o'clock on that day Garnett
 “ was placed at the bar ; and, according to custom,
 “ ordered to raise his hand : he raised it with-
 “ out delay, and with a serenity and composure of
 “ countenance, which both evinced the tranquillity
 “ of his mind, and inspired the beholders with veneration. The substance of the indictment was,
 “ that, on the ninth of the preceding month of
 “ July, in the parish of St. Michael, London,
 “ in the place commonly called *Queenhithe*, he had
 “ conspired with Robert Catesby, (who had lately
 “ been killed in open rebellion), against the life of
 “ the most serene lord the king, and of his son :
 “ that, in order to accomplish more surely this dia-
 “ bolical purpose, he had caused a vast quantity of
 “ gunpowder to be collected under the parliament-

“ house, to blow up by it the king, queen, prince,
 “ nobles, lords spiritual and temporal, knights,
 “ citizens,—in short, the whole assembly, at one
 “ blast, and afterwards to kindle sedition through
 “ the whole kingdom, and introduce foreign troops,
 “ by whom the kingdom of England might be over-
 “ thrown. To which charges, after Garnett had
 “ pleaded ‘not guilty,’ and a jury of twelve men
 “ had been chosen, he submitted, according to the
 “ national usage, to be tried by God and his country.
 “ Then, one of the king’s advocates, having made a
 “ short but rancorous speech, saying, among other
 “ things,—‘there is no secret, which shall not be
 “ revealed, nothing hidden, which shall not be
 “ known,’—he left the matter to be more fully ex-
 “ patiated upon by sir Edward Coke, the king’s
 “ attorney or advocate-general, as he is called. Sir
 “ Edward, though at the outset of his speech he
 “ had said that he intended to speak upon no other
 “ subject than the late horrid act of treason;
 “ launched forth into subjects so various and un-
 “ connected, that he tired the hearers with his
 “ nonsense, and entangled himself in his own loqua-
 “ city. He discoursed, at full length, on the an-
 “ tiquity of this legion, and on all the conspiracies
 “ that had taken place from the beginning of the
 “ reign of Elizabeth; on the bull of Pius the fifth;
 “ the Spanish armada, the arrival of Campian in the
 “ island, Persons’s book, *De Jure Regni*, Creswell’s
 “ Philopater, and the pedigree, dignity, learning,
 “ piety and marriage of his king; and lastly, on
 “ equivocation, always interweaving, in the different

“ parts of his discourse, some charge or other,
 “ against Garnett, with an evident purpose of
 “ making him the author or participator, not only
 “ of this, but of all other acts of treason ; and of
 “ taking from the accused, the means of defence, by
 “ jumbling together in the accusation, such a mass
 “ of different circumstances.

“ Then Garnett, being a man of ready understanding, arose to speak, with a countenance composed and modest ; and, after he had paid due respect to the commissioners, he proceeded to divide, what related to the business, into four heads, and expressed himself on them to this effect :

“ ‘ I see, that I must speak of our doctrine taken altogether ; then, of recusants, in general ; afterwards, of the superiors of our society generally ; and lastly, of *myself*. Concerning these, I will briefly, clearly, and candidly explain what the case is.

“ 1st. ‘ The attorney-general has spoken acrimoniously against that part of our doctrine, wherein we teach, that equivocations may lawfully be used, in certain cases ; as if this doctrine would break through the universal bonds of human fellowship, and rob martyrs of their crowns ; neither of which is effected by the doctrine, if it be rightly understood. For we do not teach the lawfulness of a promiscuous and arbitrary use of equivocation, in contracts, in giving evidence before a lawful judge, or to the prejudice of any third person : yet we declare equivocation to be lawful, when any question is asked of us, to which we cannot give a positive answer, without detriment to our-

“ selves, or another; or, when the judge is not a
“ lawful one, or though the judge be a lawful judge,
“ if he questions us about things, which are wholly
“ secret, and which do not come under his jurisdic-
“ tion:—in these and similar cases, in order to
“ rescue ourselves from vexation, we lawfully re-
“ serve in our minds what we do not utter with the
“ tongue: nor does this, in anywise, disturb human
“ fellowship; it rather aids it, and keeps from the
“ vice of lying, which is lawful on no occasion; it
“ also coincides with the principles and doctrine of
“ the wisest men, and of the holy fathers of the
“ church, as not one, as far as I know of, rejects it.
“ St. Thomas Aquinas teaches it in more passages
“ than one of his works, especially where he treats
“ of the sacrament of penance: he declares expli-
“ citly, that, if a confessor is interrogated by any
“ person whomsoever, respecting things, which have
“ come to his knowledge by auricular confession
“ only, equivocation is not only lawful, but the con-
“ fessor is bound to deny his knowledge of them.
“ Nor does this impede the glory of martyrs; for
“ we do not teach, as the attorney-general seemed
“ to say, that it is lawful to equivocate in matters
“ of faith; on the contrary, we think the followers
“ of Priscillian guilty of heresy for teaching and
“ acting upon that doctrine; and, in our own times,
“ the catholics have ever given direct answers to
“ questions respecting faith, as it became them to
“ do, and have suffered the punishment of death.
“ Now, this punishment of death they might have
“ escaped, if they had considered it lawful to equi-

" vocate in such cases. This doctrine I could con-
 " firm by many passages, which might be cited
 " from the sacred scriptures; but I decline this
 " labour, as I have disputed more fully upon this
 " very point before you and other learned men in
 " the Tower, when you came to me for the purpose
 " of examination.'—Here Cecil observed,—' we wish
 " to ask you one question, Garnett: you teach that
 " it is not right to equivocate before a competent
 " judge; I hope that you consider us in the light
 " of legitimate judges; you, however, denied many
 " things to me in the Tower, which, when witnesses
 " were subsequently brought forward, you con-
 " fessed.'—Garnett replied, ' I certainly did so,
 " because I thought, that no witness could have
 " been brought against me, and that, those things
 " which were asked of me, were therefore secret:
 " —besides, I was not then lawfully questioned,
 " especially, when my answers might tend to the
 " disadvantage of another person, who lay under no
 " accusation.

" ' Another point of our doctrine, against which,
 " the attorney-general has forcibly inveighed, re-
 " lates to the excommunication and putting down
 " of kings. Although this subject affords a broad
 " field of disputation, yet, as it is difficult to speak
 " before this honourable assembly in a case, which
 " seems more nearly to touch their own sovereign,
 " I will speak, though boldly, yet briefly, in justifi-
 " cation of myself and my catholic brethren of
 " England. In the first place,—I entreat your
 " lordship to bear in mind, that the doctrine of our

“ society on this head; was ever the same with that,
 “ which is taught by catholic subjects and schools,
 “ in every part of the world, where the sovereigns
 “ are catholics: nor, on that account, are those,
 “ who teach it, accounted traitors; nor, do princes
 “ think that the doctrine itself trains their subjects
 “ to treason and sedition. Nor do I really under-
 “ stand, why, our society, which in nowise departs
 “ from the doctrine everywhere received, or alters
 “ it in a single tittle, should be branded more than
 “ others, with the stain of so heavy a charge. In
 “ the next place, it is necessary to bear in mind,
 “ that there is a great difference between our most
 “ serene king, and those princes, who, having once
 “ embraced the catholic faith, afterwards recant and
 “ fall into heresy, thereby separating themselves
 “ from that body and that head, with which they
 “ had been formerly united. Those are the persons
 “ affected by the censures, upon which the attorney-
 “ general has argued so fully; they are surely
 “ punished deservedly by that power, from which
 “ they have undeservedly departed. The case of
 “ our king is different; he professes that doctrine,
 “ which he imbibed with his mother’s milk: to
 “ him, therefore, no private person can apply these
 “ opinions and general censures.”

“ ‘ But,’ (says lord Salisbury), ‘ can the pontiff
 “ excommunicate our king?’—‘ I should not wish
 “ to call in question this power of the pontiff, or
 “ to deny it,’—answered Garnett.—‘ What then,’
 “ said the earl, ‘ if he were excommunicated, would
 “ it be lawful for his subjects to rebel?’—‘ To those

“ things,” replied Garnett, “ I long ago made answer ; and I beg that I may not be pressed too closely with questions of this kind.” Then the canon *nos sanctorum* * having been read, and the attorney-general saying in jest, that Garnett’s answer referred to that, leave was given Garnett to proceed to the other following points.

“ 2d. ‘ The second point,’ Garnett said, ‘ upon which I design to speak, is, of *recusants* in general, (that is, of those catholics who refuse to be present at the religious ceremonies and prayers of the heretics). These, if we believe the attorney-general, ground their absence on the bull of Pius V, whereby he excommunicated Elizabeth. If this were the fact, it would now be lawful to attend the protestant church, since our most serene king has not been excommunicated by the decree ; certainly, therefore, the catholics, who sought to free themselves from the penalties of recusancy, would now assist at the protestant service, if they considered it to be lawful.

* The canon, to which reference is made in this place, is usually cited, under the title, “ *Una sanctorum*,” from its first words ; it was promulgated by Gregory VII, and is inserted in the *Decretum Gratiani*, (pars 2da, causa xv. quest. viii. c. 4), and may be thus translated, literally,—“ We, holding the statutes of our holy predecessors, absolve by apostolical authority, those, who are bound by fealty or oath, to the excommunicated ; and we, by all means, prohibit them not to observe fealty to them, till they come and do satisfaction.”—“ I admit,” says Bossuet, (*Défense de la Déclaration du Clergé de France*, liv. i. c. x.), “ that the intentions of Gregory were good,—but he goes beyond all bounds,—quite to the extreme.”

“ ‘ Neither is that true, which has been asserted
“ so positively, that the catholics did not absent
“ themselves from the protestant churches till the
“ 11th year of Elizabeth : for I know very many
“ persons, living at that time, who absented them-
“ selves from the protestant churches during the
“ whole preceding part of the reign of Elizabeth.
“ Moreover, Mr. Fitzherbert, in those days, wrote
“ a book in which he proved that it was not lawful
“ for catholics to be present at meetings of that
“ kind ; and it is publicly known, that many
“ bishops and priests were thrown into prison,
“ because they would not be present at them.
“ Consequently it was not on account of the ex-
“ communication pronounced against Elizabeth, but
“ from motives of conscience, that they absented
“ themselves. This was the practice from the be-
“ ginning of the heresy of Arius : the Arians had
“ priests, masses, altars, the entire liturgy of the
“ catholics, and the same ceremonies, yet the ca-
“ tholics did not go to their service. I confess
“ indeed that this was not equally understood by
“ all catholics at the first beginning of the refor-
“ mation : but the matter having been brought
“ forward during the council of Trent, it was de-
“ termined by twelve men of learning and weight,
“ chosen for that purpose, that for catholics to assist
“ at the protestant church was by no means lawful ;
“ and the council confirmed their decision. These
“ observations, which I have made to shew the
“ reasons of our non-attendance at the religious

“ service of the protestants, will suffice for the
“ present purpose.

“ 3d. ‘The third charge,’ continued Garnett,
“ ‘was against the jesuits in general ; some of these
“ the attorney-general declares to be guilty of the
“ most abandoned treasons ; as those, which, he
“ says, were to have been effected by the means of
“ Colin, York, Williams and Squire. This I can
“ assert ;—that I have seen the solemn protesta-
“ tions and depositions of Holt and Walpole, (whom
“ he accuses), and the oaths in which they swore
“ by their eternal salvation, that they never had
“ any communication with those persons, about any
“ subject of this nature ; and, in truth, if we weigh
“ the matter according to human prudence, it must
“ appear to a reflecting man contrary to all reason,
“ that these fathers, (who, as you yourselves know,
“ were not altogether out of their senses), should
“ in an affair of such great importance, have wished
“ to make use of men, who dissented from the
“ catholic religion, such as York, Squire and others.
“ These professed the protestant religion, and were
“ little known to the fathers of our society : and,
“ whatever may be said of the confessions of the
“ criminals, extorted by dint of tortures, or the
“ hope of reward, it is a matter of fact that Williams
“ and Squire, when on the eve of death, declared
“ that both they themselves and the fathers of the
“ society were free from the imputed guilt. Add
“ to this, that the probity of these fathers has
“ been so well known, and their integrity so well

“ tried and made public by written books and the
“ strongest evidence, that I should appear to labour
“ in vain had not the attorney-general thought
“ proper to put us in mind of these long-forgotten
“ facts.

“ “ With regard to father Sherwood, I have never
“ as yet heard of any priest of that name, who
“ belonged to our society ; and I am sure that there
“ never was such a person : so that it is evident
“ that the whole story, respecting him, (no matter
“ what it was), was picked up in the public streets,
“ and exaggerated, in order to excite odium against
“ us.

“ 4. ‘ Lastly ; — I am now to speak about myself ;
“ and I wish you to bear in mind, that falsehood
“ oftentimes seems more probable than truth, if
“ men are led by conjectures alone, especially when
“ the speaker has the talent of setting off falsehood
“ to advantage. Add to this, — that both christian
“ piety and even common humanity require that a
“ case of life and death should not be decided by
“ light conjectures, but by eye witnesses and un-
“ doubted proofs. Nothing of this is produced to
“ support the charge brought by the attorney-
“ general : I will, therefore, tell you candidly what
“ I have done in this business, of which I am now
“ accused ; and how I have conducted myself ; and
“ although my conduct may not be approved of by
“ you, who are strangers to the catholic faith,
“ certainly no catholic could have taken any other
“ course.

“ “ In the first place, I call to witness, God and all

“ the saints, that I always abhorred this, and every
“ other treasonable action ; that I always thought
“ and always taught, that such schemes and plots of
“ subjects against their sovereigns were unlawful ;
“ and that I have laboured, with the utmost indus-
“ try in my power, to prevent and suppress them.

“ ‘ In the next place, I own that, a long time ago
“ I understood from Mr. Catesby, that he had some
“ plan in agitation, which would tend to the good
“ of the catholics, as he himself imagined. This,
“ I revealed to no one ; but I dissuaded him from
“ it with such force and earnestness, that I really
“ thought he had given up all such designs as were
“ of a treasonable tendency : he himself, certainly
“ promised that he would abandon them. But
“ I deemed it the duty of a priest of the religion of
“ Christ to bury the affair in silence, according to
“ the doctrine of Christ, my master ;—‘ If thy
“ brother have offended against thee, go and rebuke
“ him between thee and himself alone ; if he hear
“ thee, thou hast gained thy brother ; but if he
“ do not hear thee, then thou mayest proceed to
“ other steps.’—Being persuaded, therefore, that he
“ had wholly desisted from the plot, I considered
“ myself free from denouncing it. If this be not
“ conformable to your law, yet the law of Christ
“ and christian piety have instructed me, that it
“ does not become a catholic and a priest of the
“ religion of Christ to accuse his brother of a crime,
“ of which he was believed to have repented.

“ ‘ Moreover,—my actions, stronger than all con-
“ jectures, prove, how averse I have ever been to

“plots of this kind, and how much I have endeavoured to hinder them. I have received letters from my superior, in which he rigorously commands me to abstain from every attempt of violence. I also strove, with all the might in my power, that such attempts might be prevented, by a heavier censure than my own: this I should not have done so earnestly, had I approved of the plot.—Besides,—I knew how much these attempts would displease the sovereign pontiff; for it had been reported to me, that my anxiety, my vigilance in appeasing the commotion in Herefordshire and other places had been commended by his holiness himself. In short,—that submission and respect to superiors, on which we set the highest value, deterred me from every such measure; for we are enjoined most heavily by our superiors to abstain from meddling with public affairs.’

“Here the attorney-general thought proper to interrupt Garnett, and to affirm that he had hindered nothing:—at least,—that it did not appear, otherwise than by his own assertion; that he had prevented any mischief; that it was an easy matter for any one to speak in favour of his own cause; and finally that, if he hindered any evil, he had done so, not for the good of the state, but from a shew of humanity, still taking care that the main object would not be obstructed. —To which Garnett replied: ‘In whatever manner the attorney-general may unjustly and maliciously pervert my meaning, my purpose uniformly has

“ been to prevent, if by any means I could, these
“ disturbances. I always dreaded them; as I observed
“ that the catholics bore very impatiently the in-
“ cessant calamities and persecutions, under which
“ they suffered, and proclaimed openly, that the
“ king had broken the promise which he had made
“ to them. Surely the injunction to the catholics,
“ to forbear from them, under the pain of anathema,
“ which injunction I endeavoured to procure from
“ Rome, could not in any possible manner have
“ been favourable to treason.

“ ‘ And now, among other things, it is laid to my
“ charge, that I gave letters of recommendation to
“ Thomas Wintour, Faux, and others, who were
“ about to cross the sea. I own that I have given
“ letters, but I did not inquire into the causes,
“ why the parties went abroad.—I knew that they
“ were catholics, and men of a blameless life : to
“ this I bore testimony, that they might be received
“ with the usual forms of politeness. I gave them
“ such letters, as I gave to many more, who lie under
“ no imputation of conspiracy : if they have abused
“ my kindness, in order to promote their own plans,
“ it is not my fault, but theirs.’—‘ Did not you
“ know for what purpose they went abroad ?’ said
“ Salisbury; ‘ Did not you yourself tell me, you had
“ named Mr. Edmund Baynham as a proper person
“ to be sent to the pope ?’—‘ I said this only,’
“ replied ‘ Garnett, after it had been judged proper
“ that some one or other should be sent to the
“ pope, to explain to him the condition of the catho-
“ lics. This could not be done without great

“ expense. I therefore thought it better that this
“ business, should be entrusted to Mr. Baynham,
“ who, as I knew, had two years before designed to
“ make that journey, than that some other person
“ should be appointed, as the expense of the journey
“ would then fall on himself, and not on the general
“ body of the catholics. But at the time, when
“ Mr. Baynham went abroad, I knew nothing at all
“ about this deed of treason. I am fully persuaded
“ that Mr. Catesby had not intended to make even
“ the pope acquainted with the real nature of what
“ he was plotting ; but only to consult him, in a
“ general way, whether any thing ought to be
“ attempted : and this I conclude from what Mr.
“ Catesby solemnly promised me, that he would
“ attempt nothing, without the consent of the pope.
“ But I never consented that any one should be
“ sent in my name : those, who were more nearly
“ concerned, in the matter, were at liberty to send
“ if they thought proper. If any thing seems to be
“ collected from the evidence of Faux, or of any
“ other person, which proves the fact to be other-
“ wise, they themselves are to take to it, for I was
“ not concerned in their counsel.

“ “ With regard to the answer, which Catesby
“ received from me, respecting the murder of the
“ innocent with the guilty, it has not been accu-
“ rately repeated by the attorney-general ; for I did
“ not say that it was lawful for catholics to kill
“ protestants, even though some innocents should
“ be involved in the disaster ; but, when talking
“ about a just war in general terms, I answered,

“ what all theologians and the common custom of
“ war allow, that a town might be attacked, and
“ fortifications demolished, even though the inno-
“ cent are exposed to death : for Catesby at that
“ time proposed a journey into Belgium on a mili-
“ tary enterprize. When I understood that this
“ answer had been drawn from me, for the purpose
“ of the late barbarous plot, I shuddered,—knowing
“ how much odium and dishonour it would bring
“ upon the catholics.

“ ‘ Besides other exertions,—I strove to avert
“ those things by my prayers; and it was my
“ greatest wish that the catholics should proceed in
“ a more mild and gentle course.’—‘ It is even so,’
“ said Salisbury, ‘ for you told me,—as I was walking
“ in the gallery, that although we do not approve
“ of your masses, yet that you were positive they
“ had done us good ; for that you had prayed from
“ your very soul that this conspiracy might not be
“ effected, if it was not likely to turn out to the
“ benefit of the church.’ ‘ By no means, sir,’ an-
“ swered Garnett, ‘ for I did not say so ; I said that I
“ had prayed, that, if it pleased God, the minds of
“ his majesty and both houses of parliament might
“ be so far disposed to lenity, as not to enact laws
“ of such cruelty, as would impel the minds of the
“ catholics, thus exasperated, to machinations of
“ this kind, which I always feared. And since the
“ attorney-general has thought proper to say, that
“ I wished to disguise my real sentiments by this
“ turn, and has produced witnesses, who attempt to
“ prove this, by my own words,—I do not object to

“ the honour of the witnesses, whom he praises so
“ much :—I have only to say, that they may be very
“ upright men, yet may be mistaken in the mean-
“ ing which they put upon my expressions : they
“ may not have understood every particular ; they
“ may, when one thing was brought forward, have
“ omitted, from inadvertency, to mention something
“ which altered the meaning. I did not wish to
“ disguise my mind by any colour of it. I said
“ more than once, that I was ready with an answer,
“ —and this was,—that I wished the laws in agita-
“ tion might not pass.’

“ At this the earl of Salisbury grew very angry,
“ and rising up, said, in still more violent language,
“ —‘ There is no cause for your thus disparaging
“ the witnesses : if we were disposed to bring one
“ witness against you, a witness not altogether un-
“ objectionable, we might still bring fouler charges
“ against you. Nevertheless, this shall not be done ;
“ that all the world may know, with what great
“ regularity, and with what great lenity and mercy
“ we administer justice. Our most serene king has
“ therefore ordered, that your cause should be tried
“ in this noble assembly. For who is this Garnett
“ that he should be called forth to harangue in this
“ place, and insult so many illustrious men ? I ven-
“ ture to say, that the highest cardinal at Rome,
“ if he were obliged to stand on his trial, would not
“ find more honourable judges. You are not sum-
“ moned hither, Garnett, on your own account ;
“ but that your villainy, and the foul errors of your

“ religion, may be brought to light, and the cle-
“ mency of his majesty may be made manifest to
“ the whole world. Your life is in the king’s
“ hands ; this he might take away from you on
“ many accounts ; but, to the end that justice may
“ be openly shewn, and the mouths of liars and
“ defamers stopped, he has determined on trying
“ you in this place, before this honourable and dig-
“ nified court ; of which court, we can boast as
“ much as the greatest cardinal of his judgment-
“ seat at Rome. We produce a witness, whose re-
“ putation is most sacred : who, for the whole
“ world, would not do you injustice : from an ad-
“ joining room he overheard your conversations,
“ and it was a matter of policy on our part, that
“ you and Oldcorn should be stationed together so
“ conveniently, that you might hear and be heard.
“ Such policy, provided it be consistent with
“ christianity, ought not to be neglected by a well-
“ ordered government. If we did not adopt this
“ method, I really do not know in what way we
“ must have dealt with you ; for, in your books,
“ we are infamously charged with acts of cruelty,
“ and with the most grievous persecutions ; and on
“ which account, we have no little reason to stand
“ in fear of you. It therefore becomes necessary
“ that you should be coaxed and fondled by us, as
“ children are by nurses ; lest, if you should be
“ visited by disease or death, a report should get
“ abroad, that you have been cut off by poison, as
“ there is now a rumour about one of your brother-

“ hood, that he was racked by too violent torture,
“ whereas he inflicted death on himself, through
“ despair.’

“ Garnett thought such insulting language should
“ not have a reply ; it was evident to all, that it
“ proceeded from a disturbed mind ; and that the
“ earl spoke incoherently. Who could be igno-
“ rant how cruelly those priests were treated, who
“ were heretofore apprehended ? Not as nurses treat
“ children, but as step-mothers treat daughters-in-
“ law, whom they hate with the greatest rancour.
“ He, whom Salisbury affirms to have laid violent
“ hands on himself, was John Owen, (called little
“ John, from his diminutive body) ;—this man was
“ taken with Garnett, and brought to the Tower ;
“ he was tortured by the rack, when he was labour-
“ ing under a rupture : not being able to support
“ the excruciating pain, his bowels burst ; he was
“ taken to his bed, and died soon after. A tale
“ was spread that he had perished by his own hands ;
“ the executioner himself denied it ; declaring fur-
“ ther, that he had scarcely ever seen a greater firm-
“ ness in any one ;—besides,—he was not buried in
“ the fields, nor in the king’s highway, with a stake
“ driven through his body, (as is the custom in
“ respect to those, who inflict death on themselves),
“ but was interred in the Tower itself.

“ The king’s attorney interrupted Salisbury, as
“ he was violently declaiming, and charged Garnett
“ with his own confession ; when he was conversing
“ with Tesimond, (Greenway), Garnett acknow-

“ ledged that he had been apprised of the plot, in
“ the sacrament of confession, but on condition that
“ he should keep it secret, unless it became known
“ from any other quarter ; and, in that case, if he
“ should fall into the hands of his enemies, liberty
“ was given him to divulge, that he might escape
“ the rack.

“ The earl of Northampton then endeavoured to
“ bring two charges against Garnett ; the first was,
“ that he was virtually involved in the conspiracy
“ by not having prevented it—according to the
“ maxim of law,—‘ he who does not prevent when
“ he can, commands, &c. :’—secondly, that he valued
“ his own delivery from torture more than the
“ safety of the king. But Garnett answered,—‘ I
“ prevented it as much as I could ; but I did not
“ disclose it to those, who, you suppose, might have
“ hindered it. I had no other reason, than the
“ obligation of keeping secret, whatever we hear in
“ the sacrament of confession, an obligation, which
“ we deem it unlawful to violate. Nor is it right
“ to lay to my charge, that I preferred my own
“ safety to the welfare of the whole kingdom ; but
“ I observed the rule, not to do evil, though good
“ might ensue from the doing of it ; for we have
“ no liberty to disclose what we hear in confession,
“ except by the leave of him, who confesses. For
“ his good, and for the advantage and well-being
“ of the whole church, sacramental confession was
“ instituted with this obligation of secrecy ; and, if
“ this obligation be violated, all reverence for the

“ sacrament, and all its utility would be destroyed ;
“ for who would wish to confess private affairs, if
“ he were not certain of secrecy ?”

“ Again,—when Salisbury and the king’s attorney-general were laying to his charge, that although he could not discover the confession of Tesimond, yet he ought to have revealed the plans of Catesby and his associates, who had not made their confessions to him ; and that as Tesimond had not repented, his confession was a nullity ; Garnett answered, in the first place, that Tesimond had done every thing which was essential to produce the effect and benefit of the sacrament ; and secondly, that, although there be something wanting, in which it is necessary to produce the benefit and grace of the sacrament, in the penitent’s regard, still it is a sacramental confession, and therefore binds the confessor to secrecy, not only in regard to him, who confesses, but in regard to all other persons whatever.

“ Afterwards,—when Garnett was questioned respecting his residence at Warwick, (where he was taken, when these commotions broke out),—and about his conversation with Bates, who brought a letter from Catesby, after the detection of the conspiracy ; he answered, that he, having no suspicion of the rising, had undertaken a journey to St. Winfred’s well ; but that, on his return, at the solicitation of his friends, he continued in that part of the country ; and that, if by any chance, he could have foreseen that such a

“ circumstance would happen, he should have repaired to some place, sufficiently remote from the scene of disturbance. When Bates had come to him with letters, on the discovery of the affair, he did not wish to have any intercourse with one, who had intermeddled with these treasonable machinations, and had brought him, his friends, and the catholics universally, into the greatest and most certain misfortunes ; that no one had been sent by him to Catesby ; and that whoever might have gone, to Catesby, he went without his knowledge.

“ Then the earl of Nottingham, that he might close the proceedings with a super-excellent rhetorical flourish, having asked leave to question Garnett, said, ‘ What, Garnett, if I should come to you for the purpose of confession, and should say, that, before an hour was past, I would kill the king with a dagger, would you, or would you not disclose it ? ’ To whom Garnett answered ; ‘ My lord, if in any other way, I came to the knowledge of the affair, I should, of course, discover it ; but, if I came to the knowledge of it in confession, I should seek out every means of preventing it, and having found them, I should make use of them accordingly. ’—It was no wonder if the by-standers heard this sentence with laughter rather than applause, since that, which is for the public advantage of the church of Christ, is far removed from the understanding of heretics ; and when sacraments are trodden under foot, it is a matter of course that the rest

“ should fall to the ground. But Nottingham—
“ (though ignorant of its justness),—subjoined this
“ remark, ‘ Now, Garnett, you are, as it were, in
“ the pulpit, as you often have been on other occa-
“ sions ; but, to tell you frankly, what I think, no
“ sermon of yours has ever produced more fruit,
“ than your sermon on this day.’ After which,
“ Salisbury said, ‘ Come, Garnett, you see with
“ how much kindness and liberality you have been
“ treated ; you have had ample liberty of defending
“ yourself, and many things have been mentioned,
“ which your best friends could bring forward in
“ support of your cause ; the whole proceeding has
“ been conducted with the greatest moderation,
“ which no one, however ill-disposed, can, as I
“ imagine, gainsay.’

“ The twelve jurymen were then called, and
“ Garnett was found, guilty ; he was then asked if
“ he had any more to say.—‘ This only,’ replied
“ Garnett,—‘ I will not quarrel with your sen-
“ tence ;—the day will come when this same cause
“ will be tried before the tribunal of Christ, in the
“ presence of us all,—not by erroneous conjectures,
“ by ill-founded arguments, but by the voices of
“ our consciences. In the mean, may God pre-
“ serve the king ! My life and death are at his
“ disposal : I fear not death, it is the end of my
“ miseries : if his majesty should grant me my life
“ —my faith and religion safe,—I will strive, by
“ all good offices in my power, to deserve well at
“ his hands.’

“ The court having been broken up, and Garnett,

“ according to his sentence, conducted, as a criminal, back to the Tower,—while he is preparing himself for death, it will be useful to mention those things, which he prudently did, or diligently wrote, in order to compose the minds of the catholics, and to prevent every plot, tumult, or sedition. In the first place, when some catholics, in order to withhold the heretics from acts of persecutions, thought it their duty to endeavour, as much as lay in them, to prevent the ratification of the peace with Spain, unless the free exercise of the catholic religion were granted, and others thought that, if the free exercise of their religion were withheld from them, they ought to have recourse to arms ;—all found in Garnett an adviser of far different measures. He did not indeed undervalue the opportunity, which presented itself, of striving for religious liberty, but he considered it wrong to defend religion by exciting sedition : there are letters extant written by him on that subject to his superiors, dated the 2d of September of the year 1604, in which, speaking of peace, he says, ‘ Every wise man approves of peace, and we hope it will be profitable to religion ; this, the catholics expect in patience, but, if the attempt for toleration do not succeed, I fear that the patience of some will not hold out : what then is necessary to be done ? for the jesuits will not be able to keep them in their duty. Let the pope, in the plenitude of his authority, give orders, that none of the catholics should dare to stir.’ When

“ Garnett had made this resolution known to the
“ catholics, there were not wanting men unfavour-
“ ably disposed to the society, who said of us, that
“ we were hunting after the king’s favour, by com-
“ plaisance. This circumstance Garnett mentions
“ in another letter : it having been inquired, whe-
“ ther those things were true, which had been
“ brought from Padua by an unknown author,
“ ‘ that the jesuits had given offence to the king,
“ by seeking to interrupt the negotiations for
“ peace,’ he wrote in October of the same year to
“ this effect : ‘ As to what has been written from
“ Padua, that the king is displeased with the catho-
“ lics, on account of the intemperate proceedings of
“ certain jesuits :—how far this is from truth, is
“ well enough known in England. Here, every
“ one is aware with what earnestness and diligence,
“ the jesuits have promoted peace. The ambas-
“ sador undoubtedly made very great use of their
“ counsel and assistance in that business. More-
“ over,—not long before the ratification took place,
“ a person of the first rank in the kingdom, after
“ he had said that the jesuits were men of rectitude,
“ prudence and learning, commended them, in a
“ public assembly, because they had made such
“ strenuous exertions in the cause of peace. It
“ has been also ascertained that the conspiracy of
“ Watson would have attracted many to it, if the
“ jesuits had not checked the evil. And, though
“ it be not in their power to control the machina-
“ tions and schemes of every restless and daring
“ individual, they will however take care, that the

“ far greater and better part of the catholics, follow
“ peaceable counsels : those who are more hostile
“ to us, give out, that we flatter, and soothe the
“ king and his counsellors ; but, as long as they
“ produce no other accusation against us, we will
“ bear this censure in quiet, and reckon it as praise.’
“ Subsequently to this, when, from more frequent
“ conversations with Catesby, he had discovered,
“ that there was something of consequence in agita-
“ tion, which Catesby did not wish him to under-
“ stand fully, he took care to expatiate in his
“ sermons oftener, and in stronger terms than be-
“ fore, on the duty and merit of a patient endurance
“ of evils, and the proper fortitude of christians ;
“ and to exhort the catholics rather to subdue per-
“ secution by longanimity than conquer it by resist-
“ ance. This offended Catesby, either because he
“ believed those things were levelled at himself, or
“ because he heard unwillingly, what he thought
“ likely to raise, in the minds of the hearers, a
“ doubt of the lawfulness of joining him and his
“ companions in the plot. Hence Catesby did not
“ so often converse with Garnett, or so constantly
“ attend his sermons, as he was used to do. He
“ began even to find fault with the jesuits, who, as
“ he said, raised divisions in the catholic body, by
“ sometimes opposing the power of the pope, some-
“ times extolling the virtue of patience, and some-
“ times holding out a vain hope of better times.
“ When these things were reported to Garnett, he
“ again consulted his superiors ; he wrote to Rome
“ the following letter, on the 8th of May in the

“ year after :— ‘ Almost all the catholics seem to be
“ driven to despair ; many complain of the jesuits
“ because they are an obstacle to their having
“ recourse to open violence. These things have
“ fortunately been reported to me ; for I dare not
“ inquire what is their intention, what are their
“ counsels, because our father-general has ordered
“ us to abstain entirely from all such affairs.’ To
“ which letter the general wrote an answer to this
“ effect : ‘ That he ought to strive, with all his
“ might, to put an end to all the schemes, which the
“ catholics were forming for their religious liberty ;
“ and to take care that they utterly abandoned
“ those projects, because they could neither be put
“ into motion, nor accomplished, without many and
“ very grievous disadvantages to religion ; and be-
“ cause they would quickly bring the catholics
“ themselves into the greatest difficulties ; and
“ what was principally to be considered, because
“ the most holy vicar of Christ did not only dis-
“ approve such designs, but peremptorily orders it
“ to be abandoned : in addition to this, the honour
“ of the order is at stake, since no little disgrace
“ would attend its members, if the catholics should
“ be guilty of any thing reprehensible : for the
“ world would not be easily persuaded, that these
“ and similar plots were formed without the know-
“ ledge, or even without the concurrence of the
“ society.’ ”

“ Father Persons wrote in the name of the pontiff
“ letters to the same effect. As soon as he received
“ those letters, Garnett assembled Catesby and some

“ other catholics ; he explained to them the commands of the pontiff, entreated and beseeched them to take care of what they were doing and attempting to accomplish. When he saw them angry and heard them say, that the pope was led to this opinion, not by his own judgment, but, by the cowardly letters of some catholics ; that his holiness would be of another opinion, if he could see the miseries and distresses of the catholics, and was made acquainted with their real views. Garnett recommended them to consult the pope, through some trusty person, and that, by him, they should explain accurately to the pope their particular designs. His advice was approved of ; and, as Edmund Baynham about that time was preparing for a journey into Belgium, the whole affair was entrusted to him. When he set out on his journey, Garnett gave him letters to his friends, and to the apostolic nuncio ; another letter he sent, at the same time, by the post, to the general of the society, in which he made him acquainted with what he had done ; I here give it in his own words :—

“ ‘ *Most noble lord,*
“ ‘ *I have received your lordship’s letter, which I embrace with that respect, which is due towards his holiness and your lordship. I can truly say, on my own part, that I have four times already hindered the insurrection ; and there is no doubt, but I can prevent all general preparations of arms, since it is certain that many catholics are*

“ determined to attempt nothing of the kind, without my concurrence, unless from urgent necessity. There are two things, however, which make me very uneasy ;—the first, lest it should happen that some catholics should, in some one province, fly to arms, which may oblige others to do the same : for the number of those, who cannot be restrained by the bare order of his holiness, is not small. Even when pope Clement was alive, they dared to ask, whether the pope could hinder them from defending their own lives ? They say, moreover, that no priest shall be privy to their secrets ; nay, some even of my friends complain of me, that I place obstacles in the way of their plans. In order to soothe them in some manner, and, at least, to gain time, by a little delay, that suitable remedies may be provided, I advised them to send by common consent some one to his holiness. This has been done ; and I have directed him to the most illustrious nuncio in Flanders, that he may be recommended by him to his holiness ; I have also written letters, in which, I have explained their object, and the reasons on both sides of the question. These letters were written at great length, and are very full of matter, for they will be carried with the greatest safety.

“ ‘ So much for the first danger. The second is somewhat more serious ; because there is reason to fear, lest information of some act of treason or violence should be privately carried to the king : and that, in this case, all the catholics may

*“ be compelled to take up arms. Wherefore, in
 “ my judgment, two things are necessary ; first,
 “ that his holiness should intimate to us what, in
 “ either case, our conduct should be : secondly, that,
 “ under the severest censures, he should forbid the
 “ catholics to take up arms.*

*“ ‘ It remains for us to hope, that things will
 “ not proceed from worse to worse ; to pray his
 “ holiness, under these dangers, to apply some
 “ speedy and effectual remedy. His benediction,
 “ and the prayers of your lordship, I humbly im-
 “ plore. At London, 24th of July 1605. The
 “ servant of your most noble lordship,*

‘ Henry Garnett.’

*“ Baynham having thus been dispatched into
 “ Belgium, while Garnett’s obsequious friends were
 “ behaving with dissembled concern, and he believed
 “ there was no remaining ground of apprehension,
 “ he travelled, about the end of August, to St.
 “ Winfred’s well. Of this circumstance he apprised
 “ father Persons, by a letter, dated the second day
 “ of September ; he expresses himself in it, in the
 “ following terms :—*

*“ ‘ As far as I can see at present, the minds of the
 “ catholics are at rest ; they are even resolved, for
 “ the future, to endure patiently the distresses of
 “ persecutions ; nor are they without hope, that
 “ the king himself, or his son, will some time or
 “ other redress their great evils. Meanwhile, the
 “ number of the catholics greatly increases ; and I
 “ hope that this journey of mine, which by the will*

*“ of God, I intend to undertake to-morrow, both
“ for the sake of recruiting my strength, and be-
“ cause I have no fixed abode, all my former
“ dwellings being discovered by the diligence of
“ our adversaries, and because I also hope, that
“ my journey will not be without some opportunity
“ of doing good to the catholic faith.”*

“ But, in the mean time, the conspirators who,
“ the year before, had made their unsuccessful at-
“ tempt to work a passage under ground, had hired
“ the cellar or vault under the parliament-house,
“ and had prosecuted their plan with the circum-
“ stances, which have been already mentioned.

“ We now return to Garnett, in his prison.—
“ Ministers of the gospel often went to him from
“ a desire of disputing with him. To these, he said,
“ ‘ I have no leisure, good sirs, to comply with
“ your curiosity at this time ; the short space of
“ life which is left to me, I wish rather to give to
“ God, and to my conscience, which ought to be
“ composed for death.’ He remembered, what
“ calumnies had been formerly spread respecting
“ Campian’s disputes, with some protestant divines.
“ Lest, therefore, any charge of unsteadiness of
“ faith should be brought against him, he thought
“ it more advisable to abstain from all private con-
“ versation, than to endanger his reputation, till
“ that time without blemish, by leaving it to be torn
“ into pieces by the inventors of lies.

“ The whole of April was given to deliberation,
“ as to what should at last be resolved on concern-
“ ing him ; for Salisbury had been heard to say

“ openly, that no clear proof had been brought
“ against him till the conversation with Oldcorn ;
“ and his declaration that the knowledge which he
“ had received of the conspiracy came to him in
“ the sacrament of repentance. The sacrament
“ they themselves had exploded, yet they had not
“ so far shaken off reverence towards religion in
“ general, as not to approve the use of it among
“ catholics, and to consider secrecy in all that
“ passed in it, as a most necessary duty. The gra-
“ vity, the candour, and the openness which Garnett
“ shewed in his answers, had, at the same time,
“ procured him both respect and pity. His execu-
“ tion was also retarded by an apprehension, lest
“ his venerable countenance, in which dignity and
“ modesty were united, should persuade those, who
“ saw him, (which indeed proved to be the case),
“ that nothing of atrocity or outrage, no concealed
“ or cruel design could have entered into a breast
“ so evidently peaceable. However, there was a
“ proof drawn from this very dignity, which undid
“ him ; since independently of the stain of infamy
“ which would fall on the whole order of jesuits
“ from the execution of this one man, (whom the
“ rabble styled a great seminarist and a little pope),
“ his quality and high offices would persuade the
“ people, that so great a man would not have been
“ brought to that place, unless he had been con-
“ victed of the foulest crime. The third day of
“ May—the festival of the invention of the holy
“ cross,—was appointed for his punishment.
“ Near to the episcopal church of St. Paul, and

“ its western door, an ample space is surrounded
“ with very high houses ; here, a spacious wooden
“ stage was erected ; and on it a gallows ; there
“ was at the side of it a block, on which, after
“ hanging a short time, the criminal was to be
“ quartered, limb by limb ; and hard by the block
“ there was a blazing fire to burn his entrails. A
“ vast crowd of every description occupied the
“ place at break of day, and, on every side, filled up
“ the open space and windows :—the expectation of
“ all was very great. According to custom, Gar-
“ nett was dragged from the Tower on a hurdle,
“ having his eyes, for the most part, raised to
“ heaven ; now and then lifting up his hands, and
“ praying, in his mind, or with his tongue. When
“ he had a little recovered from the shaking upon
“ the hurdle, and cheered his spirits, he mounted
“ the platform, and courteously saluting the sur-
“ rounding multitude, with a look composed of the
“ greatest modesty and cheerfulness,—(leave of
“ speaking having been given to him),—he addressed
“ them to this effect :—‘ This day is sacred to the
“ finding of the holy cross ! Under the protection
“ of this cross, it has pleased the Divine Goodness
“ that I should be brought to this place, and lay down,
“ for its sake, my life, and all the crosses of this
“ fleeting and inconstant life. This is, indeed, a
“ great blessing ! a blessing, for which it is proper
“ that I return God unlimited thanks. What
“ other day ought more to be wished for by
“ me, than that on which the commemoration of
“ the cross of Christ is most splendidly celebrated

“ throughout the whole catholic church ? Most of
“ you know on what account I am now dying ;
“ it is unquestionably, because I did not reveal a
“ circumstance, told me in the sacrament of con-
“ fession ; in which, though I have not sinned
“ against God, yet I seem to most people to have
“ offended against the king. To be thought to
“ have offended the king, really gives me great
“ concern. You ought, however, to know, that,
“ among us, there is that respect for the sacrament,
“ that it is, on no account, lawful to divulge any
“ wicked designs, which are heard in it ; unless
“ when and where the penitent himself hath granted
“ leave. In one thing, perhaps, but certainly in
“ this one thing only, have I offended ; that I sup-
“ pressed, in silence, some suspicions I had, from
“ other sources. Still, in the mean time, I strove,
“ by other means, to appease the minds of the
“ turbulent, and to prevent their plots : my own
“ opinion of these persons deceived me, and for
“ this silence, I ask pardon.’

“ Some person then objected to him, that Catesby
“ had discovered his intentions to him out of con-
“ fession ; and had said that he had the hand-
“ writing of Garnett himself as a proof of that fact.
“ ‘ Shew me the hand-writing,’ said Garnett : ‘ if
“ it be really my writing, I will not deny it ; I am,
“ however, sure, that you can produce nothing of
“ this kind.’ That person, having put his hand in
“ a bag, and finding nothing, asked the servant
“ standing by, for it ; he said that it was at home.
“ ‘ Most assuredly,’ said Garnett, ‘ you neither

“ have it here, nor at home. I have ever been far
“ from every thought of this kind ; every such
“ thought being wicked in itself, and contrary to
“ the well regulated institutes of the catholics. I
“ exhort you all to abstain from such turbulent
“ machinations, and learn to keep your souls in
“ patience.’

“ Being asked whether he had any thing further
“ to say ? ‘ This alone,’ said he, ‘ that all catholics
“ present may pray with me, and for me.’

“ Being led from the edge of the stage, to the
“ foot of the ladder, which was placed against the
“ gallows, he was asked, whether he thought him-
“ self condemned justly ? He answered,—‘ un-
“ justly, as far as I am condemned for having been
“ privy to the laying of the powder under the par-
“ liament-house. For I knew nothing about that,
“ unless in such a place and in such a manner, as
“ rendered it impossible for me to divulge it :—
“ but, so far as I made known to none, the suspi-
“ cions which I have acknowledged myself to have
“ entertained, I leave it to the judgment of every
“ one to think of it as he pleases.’

“ Having stripped off his clothes, even to the
“ shirt, which had been sewn together as low as
“ the ankles, and kneeling down for a little, he
“ prayed in silence. He then ascended the steps
“ of the ladder, and said with a loud voice, ‘ May
“ God bless you all ! and make your roman-catho-
“ lics ! For others, there is no entrance into
“ heaven ! May our Lord God bless the king,
“ queen, prince, and all the council ! When I was

“ examined in the first instance, my reason for
 “ not acting openly with the noblemen deputed to
 “ me, was, because I was forbidden by the bond of
 “ the sacrament ; but when I ascertained that
 “ the affair had been made public by those, who
 “ listened to my conversation in prison, I thought
 “ it better to confess the fact, as it was, than, by my
 “ silence, to give occasions for suspicion and talk ;
 “ for the disposition of man is prone always to
 “ suspect and report what is worse than the real
 “ fact ; lest too, the reputation of my dear brother
 “ Tesimond should suffer, as he was thought to
 “ have intermeddled more with this plot than he
 “ really did. As to what regards myself, I die a
 “ catholic.—We adore thee, O Christ ! and bless
 “ thee, because, by thy cross, thou hast redeemed the
 “ world ! This sign of the cross will be in heaven
 “ when the Lord shall come to judgment ! *Alle-*
 “ *luiah !*—Then, having addressed the Virgin
 “ Mother in a short hymn, and having repeated
 “ many times, the words of our Lord Christ, from
 “ the psalm, ‘ *Into thy hands I commit my spirit,*’
 “ he crossed his arms on his breast ; and entreating
 “ of God that he might bear that sign in his heart
 “ to his last moments, he was turned off the ladder.
 “ —The populace, by their cries, deterred the exe-
 “ cutioner from cutting the rope too soon,—shouting
 “ again and again,—‘ *Keep off ! Keep off ! Let*
 “ *him hang to the last breath !*

“ While he was dying, a deep silence and much
 “ compassion appeared. Some argued, from his
 “ modest gravity, some from the steadiness of his

“ mind, and countenance, which he preserved even
“ in death, others from his sensible answers, that a
“ deed so atrocious, as that, with which he was
“ charged, could not have been committed by such
“ a man; and they declared, that he was a saint,
“ and without doubt received into heaven. So
“ powerful is innocence against any false accusation
“ whatever !

CHAP. XLVI.

GUNPOWDER CONSPIRACY CONTINUED : MISCELLANEOUS OCCURRENCES AND REFLECTIONS.

WE have presented our readers, with the accounts published of the gunpowder conspiracy, by two historians of very different characters, and who have written with very different views : we shall now attempt to present them : I. With a summary mention of the principal publications to which the conspiracy gave rise : II. An account of some other fathers of the society of Jesus, who were accused of concurring in it : III. Some observations on the conduct of father Garnett, in respect to it, and in respect to certain circumstances, with which it was connected : IV. A discussion of the charge brought against Cecil, earl of Salisbury, that he was privy to it, and that it was secretly fomented by him : V. And an inquiry, whether the guilt of it can be justly charged on the general body of English catholics.

XLVI. 1.

Writers to be consulted on the subject.

THOSE, who wish to have a complete knowledge of the nature and extent of the gunpowder conspiracy, and of all that protestants have said upon it, to criminate the catholics, and of all which catholics have asserted in their defence, should peruse several other publications beside those, which have been noticed: particularly the Relation of it which was printed by the order of government*; king James's Account of it†, Isaac Casaubon's Letter upon it, to the learned jesuit Fronto le Duc‡, the Tortura Torti of the bishop of Chichester§, and the Anti-

* "A true and perfect Relation of the whole Proceedings against the most barbarous Traitors, Garnett a jesuit and his Confederates; containing sundry speeches delivered by the lords commissioners, at their arraignments, for the better satisfaction of those that were hearers, as occasion was offered. The earl of Northampton's speech has been enlarged upon those grounds, which were set down; and lastly, all that passed at Garnett's execution. Imprinted at London by Robert Barker, printer to the king's most excellent majesty, 1606."—Reprinted with a preface and several papers or letters of sir Everard Digby, chiefly relating to the gunpowder plot, by Thomas lord bishop of Lincoln, in 1679, 8vo.

† James's Apology and Præmonition, printed among his other works.

‡ Isaac Casauboni Epistolæ, Hagæ Com. 1638. Ep. clxx. 4to. p. 251.

§ Tortura Torti, seu Responsio, ad Torti Librum, London, 4to.

logia of Dr. Abbott *. All these publications, (but least of them, that of king James), are unfavourable to the catholics. On the other hand, the catholics have been ably defended by cardinal Bellarmine †, Andreas Eudæmon-Johannes, a Cretan jesuit ‡, Dr. Challoner §, and Dr. Milner||.—The official account of the plot, inserted in Winwood's Memorials, has been already noticed.

XLVI. 2.

Other Jesuits accused of being concerned in the Conspiracy.

THREE jesuits besides Garnett were alleged to have been implicated in the conspiracy; father Gerard, father Oldcorn, and father Greenway. The two first were apprehended; father Greenway, on the first discovery of the conspiracy, fled to the continent.

Father Gerard was, almost immediately after his apprehension, imprisoned in the Tower. There, he was taken into a dungeon; various instruments of torture in it were shewn to him; and he was threatened with the severest applications of them, unless he made the expected discoveries. After a short time had elapsed, without his making any

* Antilogia, adversus Apologiam Eudæmon-Joannis pro Garneto, 1613.

† Matthæi Terti Responsio ad Librum Jacobi Regis Magnæ Britanniæ, de Juramento Fidelitatis. Col. 8vo. 1610.

‡ Andreæ Eudæmon-Joannis Cydonii Apologia pro Garneto, 1613. 8vo.

§ Memoirs of Missionary Priests, vol. ii. p. 246.

|| Letters to a Prebendary. Letter vii.

such communication, his hands were screwed into two iron rings, and by these, he was fastened to a column at a height, which did not allow his feet to touch the ground. He was kept in this excruciating torture during one hour: a block was then placed under his feet, and he remained in that state during five more hours. He was then removed. On the next day the same torture was inflicted on him. He fainted under it, and was recalled to sense by the pouring of vinegar down his throat; but the torture was continued. On the following day he was ordered to it, for the third time, but the governor of the Tower interfered and prevented it. He was then permitted to remain in quiet, and at the end of twenty days the use of his limbs began to be restored to him. With the connivance of some persons within the Tower, and the assistance of some of his friends without it, he made his escape. He then buried himself in obscurity; still exercising, as far as he was able, his missionary duties; but finding himself in danger of being retaken, he crossed the seas. Twenty-six years after this time, a libel was published, accusing him of having boasted that he had taken an active part in the plot, and of his even having shewn, with exultation, the handkerchief, with which he wiped the sweat from his brow, while he was working in the vault, in which the powder was deposited. Upon this, the general of the society of Jesus required of him, in the most solemn manner to declare the truth. In obedience to this order, he affirmed, upon his oath, before God and his angels, that the story of his "working

“ in the powder vault, or taking any other part in
“ the conspiracy, was absolutely false.” A copy of
this declaration was sent by the order of the general
to Dr. Smith, bishop of Chalcedon in Asia, and
then exercising, under delegation from the Roman
see, episcopal functions in England; the prelate
was requested to call upon the author of the report,
to make good the charge; but the author never
came forward to prove or even to avow it.

Father Oldcorn was racked five times, and once,
with great severity during several hours. His only
legal guilt was, that, after the discovery of the plot,
and before the proclamation for apprehending the
offenders was issued, he received father Garnett
into his house, and did not disclose the circumstance
to government. There was not even the slightest
evidence of his having been concerned in the plot
or acquainted with any circumstance connected with
it. He was however tried, for misprision of treason,
and found guilty: he was cut down alive and
embowelled.

It has been mentioned that father Greenway
escaped to the continent: he persisted to the last
in declaring his innocence of the conspiracy, and
that he had no other knowledge of it, than from
Catesby in the way of sacramental confession.

XLVI. 3.

Observations on the Conduct of father Garnett.

THE guilt of Garnett was a subject of great dis-
cussion: it gives rise to three distinct inquiries;

the first,—whether he knew of the conspiracy, further than in consequence of the communication which Greenway made to him, by the desire of Catesby ;—the second, whether he was justified in keeping secret, the information, which he had received, and the suspicions, which, in consequence of it, and from other circumstances, he entertained of the turbulent designs of some catholics ;—the third, whether he behaved, during his examination, and upon his trial, with due regard to truth and sincerity.

As to the first of these topics of inquiry :—it is an article of catholic belief, that the seal of sacramental confession is inviolable ; that the confessor is bound to observe the most absolute and unqualified secrecy on all that he hears from his penitent in his confession ; and that a case cannot be supposed, in which it is lawful for the confessor to divulge it without the consent of the penitent. To use a strong expression of St. Augustine, “ a priest is considered “ to know less of the things, which he hears in confession, than of those, of which he is absolutely “ ignorant.” Thus, the confessor is bound to his penitent ; but the bond is not reciprocal : for the penitent is under no such sacramental obligation of secrecy, and may, without breach of it, disclose whatever passes between him and his confessor. The penitent also may authorize the confessor to reveal what passes in the confession, to a third person, either lay or ecclesiastic : still, the obligation of secrecy continues so far, that the penitent may direct the revelation to be made, under the sacra-

mental obligation of secrecy ; and, when it is made under this obligation, the party is bound to secrecy, in the same manner, and to the same extent, as the confessor. A breach of this secrecy is considered by catholics as a crime of the blackest dye : scarcely half-a-dozen instances of it are known to have existed. This, the catholics deem to be a remarkable intervention of Divine Providence ;—and, if we consider the number of vicious priests, and particularly the number of those, who have deserted the catholic faith, and shewn a total disregard to truth and honour, it must be confessed that the circumstance, which we have noticed, is not a little remarkable.

It has been mentioned, that Catesby revealed the design to Greenway in the tribunal of confession ; that Greenway declared it to be a crime both against God and man, endeavoured to dissuade him from it ; and, to gain time, desired and obtained his leave to mention it to Garnett, and consult him on its lawfulness :—that Garnett expressed himself in the same manner as Greenway had done, and, like him, in order to gain time, recommended a consultation with the pope : both Greenway and Garnett knew, that the pope would reprobate the design ; they hoped, therefore, that when his opinion was obtained, it would render the project abortive, and that, in the mean time, its contrivers would remain in peace, and obtain a more christian spirit. It is not improbable that Catesby's communications to Greenway, and through him to Garnett, were made with a view of leading them to concur in the plot, or at least to sanction it by their approbation.

To each, he enjoined sacramental secrecy, unless the plot became public ; in that case, he authorized them to make any use, which they should think proper, of the communication. It appears, from the Letter of Casaubon, which we have mentioned, and from the Reply to it of Eudæmon-Johannes, that one of the consultations upon the conspiracy between Greenway and Garnett took place while they were walking : hence, their adversaries inferred, that this communication at least could not be sacramental, as in the sacrament of penance, the penitent, unless he is hindered by illness, is always upon his knees. Garnett admitted that this was generally the case, when the sacrament of penance was administered ; but observed, that it was not attended to in consultations, which, by the desire of the penitent, the confessor had with other persons, in reference to the confession.—Every roman-catholic must allow, that, according to the established rules and practice of his church, the conduct of Garnett was, thus far at least, free from blame. Whether the rule and practice be just and wise, is another question. Garnett's was an extreme case ; and every judicious and candid reader must allow, that though, when a general principle is admitted, it extends equally to extreme as to ordinary cases, still, it is not lawful to decide upon its noxious or innoxious tendency, from its consequences in an insulated case or in a case of an extreme description.

2. Garnett, however, had received other communications.—We have seen how great his apprehensions were, that some, among the catholics

would, in opposition, both to their religion and their true interest, have recourse to violent measures, and how anxiously and earnestly he strove to prevent them. Here, the question arises,—whether it was his duty to communicate to government these apprehensions, and their causes? Upon this, Garnett would naturally pause: it is repugnant to the feelings of every honourable man to turn informer; perhaps Garnett did not know any thing specific, or any thing that he could demonstrate by regular proof; but he knew the hostile spirit of the minister to the catholics: this, he must fear, would lead them to proceedings of extravagant and undistinguishing cruelty,—and he believed also, or at least strongly hoped, that his paternal and salutary councils had withdrawn these turbulent spirits from the precipice, to which they were rushing.—Add to this, that the communications, of which we are now speaking, had informed Garnett, rather of the existence of a general angry mind among some of the catholics, in consequence of the very unexpected treatment which they received from James immediately after his accession to the throne, than of a settled or organized plan of aggression. Now this spirit of general and indistinct turbulence commonly evaporates in its own blusterings, and produces nothing serious. Viewing the situation of Garnett in this light, every candid person will make great allowances for the line of conduct, which he pursued, and hesitate before he condemns him: he might be justly found guilty by a court of law, while a court of honour would think gently of his case. He appears, to the

writer, to have pronounced a just sentence on himself, when, after intimating his own doubt, whether his conduct had been quite blameless, in not revealing the communications of which we are now speaking, he asked pardon of his sovereign, for concealing whatever it had been his duty to reveal.

3. An attentive, and he believes an impartial and candid examination of the very trying scenes, in which it was the misfortune of Garnett to be placed, has led the writer to think, not unfavourably, of his sincerity either on his examinations, or during his trial. He avowed explicitly, two opinions, each of which was particularly calculated to prejudice his judges against him :—the power of the pope to dethrone sovereigns for heresy, and the lawfulness, in certain circumstances, of equivocation and mental reservation.

In this and his other writings, the writer has expressed his opinion, that the first of these doctrines rests on no solid foundation ; and that the attempts of the popes to enforce it, have been a source of much temporal and much spiritual evil : but, while he reprobates the doctrine itself, he cannot withhold a tribute of respect to those, who, from motives of conscience, either openly avowed it, or refused to disclaim it, in circumstances in which the rejection of it, would have saved them from a sanguinary death, or at least recommended them to mercy. Such, to a certain extent, was the case of Garnett. Most probably, his disavowal of the pope's deposing power would not have prevented his condemnation :—still, there was a chance

of it, or at least of its serving him essentially in some manner. Of this, every man, not thoroughly principled in virtue's book, would have eagerly availed him : Garnett more honourably and more sincerely avowed the offensive doctrine, and submitted to the consequence.

The doctrine of equivocation and mental reservation, in the manner, in which this doctrine is generally represented, is still more odious and pernicious than the deposing doctrine, as it saps the foundations of honourable intercourse in society, and fair dealing between man and man.—A person is said to equivocate, when he expresses himself in terms, which are true in the sense in which they are understood by the speaker, but false in the sense, in which they are understood, and the speaker knows them to be understood, by the hearer : he is said to be guilty of mental reservation, when he expresses himself in terms, which, as they are spoken, are absolutely false both in respect to the speaker and the hearer, but which, in a manner perfectly unknown to the hearer and unsuspected by him, the speaker accommodates to truth, by adding mentally, some words to the sentence which he utters, and with which addition it becomes a truth. Some persons have contended that either practice is lawful, when it does essential good, and produces no detriment to any one ; or when the declaration is made to a person who has no right to interrogate the party or claim to his confidence.

Let us suppose, they say, that a person possesses the secret of the state, and is questioned upon it by

one, whom he knows to be a spy ; if he tells the truth, the secret is revealed, and the nation will be undone ; if he hesitates, the secret is discovered, and the same consequence must follow. What should he do ? An equivocation, or a mental reservation, will save the state : is it not lawful ? In circumstances of this extreme nature, would not the most honourable man have recourse to such a subterfuge ? Have not the most honourable men often had recourse to such an expedient ? Garnett too might argue on this principle :—it is a received maxim of the law of every civilized state, but acknowledged and respected nowhere more than in England, that no person is compellable to accuse himself. Garnett underwent several examinations. In the just and equitable administration of justice, which now prevails in England, Garnett would not have been compelled to answer even one of the questions, which were put to him, on his examination : but, in those times, the rack * was always in

* The reader will find the question respecting the lawfulness of equivocation and mental reservation discussed with learning, candour and ingenuity, by father Griffet, in his *Réponse au livre intitulé "Extraits des Assertions,"* &c. 4to. 1765, vol. iii. p. 203. Father Griffet seems aware of the difficulty, which attends all discussions, where an extreme case is to be justified upon a principle, the application of which, to the mean or ordinary cases, leads to the most frightful consequences, and thus shews it to be erroneous.

The use of equivocation on some occasions was also defended by father Persons, in his "Treatise on Mitigation towards Catholic Subjects against the seditious Writings of Thomas Morton, minister, 1607, 4to." and in his defence of that work, by "A quiet and sober Reckoning with Mr. Thomas Morton,

view. Thus, an extreme case arrived. The magistrate asked a question, to which he had no right to require an answer ; if Garnett declined to answer it, he had reason to be fearful of the rack ; or that his silence, would be construed to be proof of his guilt. From this dreadful position, equivocation, or mental reservation, would, under the circumstances, save him ; it might serve many, and could prejudice no one. In this extreme case, he thought it justifiable. He may have been wrong ;

“ by P. R. 1609, 4to.” Mr. Alban Butler, in his “ Life of sir Toby Matthews,” (p. 17), observes, that in the former of these works, “ the attempts of Persons, to vindicate the use of “ equivocations alarm a judicious reader, and deserve a severe “ animadversion.” At the assembly of the Gallican clergy, in 1700, “ Bossuet announced, that to use equivocations or “ mental reservations, was to give to the words and phrases “ of language, an arbitrary meaning, framed at will, only “ understood by the speaker, and contrary to the meaning, “ which the rest of the world give them. He remarked, that, “ one is not called upon to justify all those words of holy “ men, in which some untruth may be found ; that it is better “ to describe them, as human weaknesses, their proper name, “ than to excuse them by the artificial terms of equivocations “ and mental reservations, in which concealment and bad “ faith would be manifest.” Bausset’s *Hist. de Bossuet*, l. xi.

It is observable, that some of those, who advocate the lawfulness of equivocation and mental reservation, refer to the plea of “ not guilty” in the English court of law, which, they contend, cannot be used by a guilty person conscientiously, unless he reconciles himself to it by the doctrines of equivocation or mental reservation. But this is a mistake ;—the plea is a conventional form of words, by which the party on trial, is understood, as much by every other person as himself, not to deny the reality, but to put his accusers on the proof of his guilt.

—but, if we blame him, surely we should pity him *.

XLVI. 4.

Cecil's Privy to the Conspiracy.

No circumstance, which has come to the knowledge of the writer, in the course of his investigation of this interesting part of his subject, has led him to the discovery of a single fact, which can render Cecil justly suspected of having been privy to the plot, previously to a short time preceding its discovery. That, in his disposition he was extremely unfavourable to the catholics, and that he would rejoice in any event, that was likely to render them objects of public odium, may be conceded; but, while this affords ground for suspicion, it extends no higher; and thus, so far as it stands single, proves nothing.

It is said, that some protestant writers, as Osborn, Higgins, and the authors of "The Protestants Plea," and "The Politicians Catechism," accuse Cecil of fomenting the plot, and reaping its fruits: but not one of these writers mentions a single fact, which supports the accusation: now, where there is not evidence, there cannot be proof.

* "What hindered you," said the earl of Salisbury to Garnett, in one of his private examinations in the Tower, "from discovering the plot?" "Even you yourself," answered Garnett; for I knew full well, should I have revealed the plot, and not the plotters, you would have racked this poor body of mine to confess." Fuller's Church History, l. x. p. 29.

It is observable, that the expression of Osborn is misquoted: he is cited for having called the plot "a neat device of the secretary;" now, he applies this expression not to the plot, but to the letter, which was sent to lord Monteagle;—"which letter, he terms a neat device of the secretary, to fetch him in, to whose nature and person, if not to both, he had a quarrel*:"—a loose intimation, and entitled to no regard. Higgins wrote at the distance of more than a century after the event took place; what he says, is altogether assertion, and is therefore of no weight. The writers of "The Protestants Plea" and "The Politicians Catechism," wrote nearer to the time; but, as they support their insinuations neither by fact nor argument, the testimony of neither is entitled to a voice†. It has also been said, that king James used to call the 5th of November, the day on which the plot was discovered, "Cecil's holy-day:" now, as Cecil's favour both with his master and the public was considerably increased by the discovery of the plot, it may be supposed that the expression of James referred to this circumstance; and this is a more probable construction of his words than to suppose them used to denote that Cecil was the

* See his Secret Memoirs in Ballantyne's Collection, vol. i. p. 180.

† The last of these writers mentions that one of Cecil's servants, two months before the event happened, advised a catholic friend of his, of the name of Buck, to be upon his guard, as some great mischief was on the forge against those of his religion:—but this circumstance, unaccompanied by others, is of no weight.

contriver of the plot. His contrivance of it is intimated by lord Castlemain, in the excellent apology which we shall transcribe in a future part of this work *. This is the more important, as his lordship lived near the time of the plot, possessed more than ordinary talents and discernment, and was extremely well informed on all subjects connected with this period of the catholic history.—It must be added, that the circumstance appears to have been generally believed by the catholics of those times, and their immediate descendants.

It has been generally thought, that the letter sent to lord Monteaule, which led to the public discovery of the plot, was written, by Mr. Francis Tresham, one of the conspirators. The author of “The Politicians Catechism †,” says, that “one master Tresham and another catholic, who were thought to have been Cecil’s instruments in all this business, having access to him even at midnight, were sent to the Tower and never seen afterwards, lest they should tell tales;—and it’s very certain that Percy and Catesby might have been taken alive, when they were killed; but that Cecil knew full well, that these two unfortunate gentlemen would have related the story less to his own advantage, than himself, caused it to be published: therefore, they were dispatched when they might have been made prisoners, having no other weapons offensive and defensive than their swords.”—If these intimations had been accompanied by any circumstances, which tended to cor-

* Ch. lxxv. 4.

† Page 94.

roborate them, they might be entitled to attention: but, in the total absence of every thing of this kind, they deserve little regard. Because Tresham had access at all hours to Cecil, it does not follow that Tresham was Cecil's instrument in a conspiracy;—because Tresham died suddenly in prison, it does not follow that he was poisoned by Cecil's order;—because Catesby and Percy and their followers rushed on the troops sent to take them, with their swords in their hands, and “a determination to sell their lives as dearly as possible,” it does not follow, that, if they fell in the conflict, it was because express directions had been given that they should not be taken alive.—It may be added, that, the concurrent testimony of all the conspirators declared that Catesby was the author of the conspiracy, and that Percy was his first associate; that, from all we know of the characters of the conspirators, Catesby and Percy were the most unlikely to have any communications with Cecil; and that, when the first news of the conspiracy was divulged, they fled into the country, which, if they had any claims upon Cecil for previous communications, it is most unlikely they would have done.

Besides,—from some documents published by the late Dr. Nash in his *History of Worcestershire**, it appears probable, that the communication to lord Monteagle was made, not by Tresham, as some, or by Percy, as others have suspected, but by Mary the wife of Mr. Thomas Abingdon of Henlip in Worcestershire; she was a sister of lord Mont-

* They are inserted in the Appendix, Note III.

eagle, and Mr. Abingdon her husband, who had taken an active part in the conspiracy, and in whose house at Henlip, Garnett and Oldcorn were concealed, was pardoned at her intercession.

It has also been observed in confirmation of the suspicions suggested respecting Cecil's early privity to the conspiracy, that he appears from his own admission to have known of it before the letter was sent to lord Monteagle. This is certainly true; but surely wisdom and sound policy required, that, before he made the plot public, particularly as no mischief could arise from his keeping it a secret, he should discover all the actors in it, and every person who might be reasonably suspected, from the circumstances to which the event might lead, of evil designs against the state. Had the late Cato-street conspiracy come sooner to the knowledge of his majesty's ministers, would they or ought they not to have kept it secret until they had discovered, as far as possible, all the conspirators, and all their accomplices and connections?

To this must be added, the total want of every kind of positive evidence to fix the charge upon Cecil: we do not find the slightest intimation, in the examination of any person engaged in the conspiracy, that he or any other person, was drawn into it by the artifices of Cecil.

XLVI. 5.

Vol. I. c. 24. s. 2. p. 295.

Inquiry whether the Gunpowder Plot can justly be charged on the general body of the Catholics.

CHAP. XLVII.

*Vol. I. c. 25. p. 303.*THE OATH OF ALLEGIANCE FRAMED BY JAMES
THE FIRST.

XLVII. 1.

*Vol. I. c. 25. s. 1. p. 304.**The Motives of James the first in framing the Oath.*

XLVII. 2.

*Vol. I. c. 25. s. 2. p. 311.**The Oath of Allegiance framed by James the first.*

XLVII. 3.

*Vol. I. c. 25. s. 3. p. 313.**The Briefs of Paul the fifth against the Oath of
Allegiance.*

CHAP. XLVIII.

THE CONTROVERSY RESPECTING THE LAWFULNESS
OF THE OATH.

TO all, who are interested, either in the history of the times, to which these pages relate, or in the history of the pretensions of the popes to temporal power, this controversy is of singular importance. This, however, is not the place for detailing its

particulars: the combatants, who principally distinguished themselves in it, were cardinal Bellarmine, and father Preston, an English benedictine monk, who assumed, in this controversy, the surname of Widdrington. Each wrote as a scholar and a gentleman. The objections to the oath were numerous; but, as we have already said, and must repeat in this place, the *cardo causæ*, the hinge, on which the merits of the case principally rested, was the lawfulness of the absolute denial, expressed in the oath, of the pope's divine right to the power of deposing sovereigns from their kingdoms for heresy. This is placed beyond controversy by a letter from father Wilford to father Leander*, who, at the time, when it was written, was employed in framing such an oath of allegiance as should satisfy both the British government and the English catholics.

“ Look over the oath which usually is exhibited to
 “ catholics in Ireland, examine other forms of oath
 “ in catholic countries, add to them, augment them,
 “ and endeavour to form them in that kind and
 “ those words, which may content and secure his
 “ majesty, as is most just and reasonable to be done,
 “ yet take heed of meddling with the deponibility
 “ of princes; for that article will never pass here.
 “ If this point of the oath could be helped, and this
 “ *petra scandali* taken away, and the catholics freed
 “ from it, how many thousand of benedictions
 “ would the catholics heap upon his majesty.”

To this objection to the oath we shall afterwards

* Dated Rome, May 9, 1635. Clarendon's State Papers, vol. i. p. 272.

advert ; some other of the objections to it must now seem very extraordinary. Two of this description are mentioned by Dr. Bishop, as those, which principally deterred him from taking this oath. In a manuscript, with an extract of which the writer has been favoured, the doctor writes that “ he had
“ been taken, on the day before, to the archbishop
“ of Canterbury, to express to his grace his opinion
“ upon the lawfulness of the oath :—” I told him,
“ says Dr. Bishop, that after most diligent exami-
“ nation of it, there appeared to me many reasons
“ why I should not take it : 1st, I objected to the
“ clause, which expresses that princes cannot be
“ deposed by the pope : now, the word ‘ princes,’
“ standing singly, means ‘ all ’ princes, which can-
“ not be sworn to by me, as I am not ignorant that
“ some princes in Italy hold their principalities
“ from the pope, and may therefore be deprived of
“ them by him, for just causes. 2dly, In the last
“ article, it is said, that neither the pope, nor any
“ other person can absolve the party taking it from
“ the oath ; which I said I could not affirm upon
“ oath ; for, (to say nothing of his holiness), the
“ king, to whom the oath is taken, may unques-
“ tionably absolve me from it. The archbishop of
“ Canterbury argued in his usual manner, against
“ my objections : he said that the framers of the oath
“ had not the intention, which I ascribed to them ;
“ and that the words bore another meaning : I an-
“ swered, that there was a clause in the oath, which
“ said, that the words were to be taken in their
“ plain and obvious meaning, and not otherwise ;

“ wherefore no person, who took the oath, could
 “ rely upon any other interpretation of the words.”

It is wonderful that such objections to the oath could be gravely urged: the word “ princes,” could only mean princes, civilly independent of the pope; the word “ absolve,” could not be meant to include the absolution of those, who were entitled to the performance of the obligation, and to whom, therefore, it must always be competent to absolve from that obligation. It is observable that the oath prescribed to the English roman-catholics, by the act of the eighteenth year of his late majesty, contains both the positions to which Dr. Bishop objected:—the catholics who take it, renounce upon oath the opinion, that “ princes,” excommunicated by the pope, may be deposed; and they declare upon oath, that they cannot be absolved of it, though the pope “ or any other person,” should dispense with it.

But,—whatever may be the thought of the groundlessness of the objections to the oath,—still, as they proceeded from feelings of conscience, the refusal of the oath did honour to those who made the objection. We may say of them, what we have said of the priests, who refused to subscribe to the denial of the pope’s deposing power, expressed in the six articles, tendered to them, by the ministers of queen Elizabeth*:—it was an error—a lamentable error—but it was a triumph of conscience over persecution. It reflected honour on the whole catholic body: the page of history does not produce higher

* Ch. xxiv. s. 2.

proof of a general conviction of the sacred obligation of an oath. When the want of this conviction is objected,—(but what gentleman now objects it?),—to a catholic, he may confidently appeal to these two facts, as an unanswerable refutation of the charge; he may ask confidently, what stronger refutation of such a charge, hath been, or can be produced?

CHAP. XLIX.

Vol. I. c. 27. p. 342.

THE EXAMINATION OF MR. BLACKWELL, THE ARCH-
PRIEST, BEFORE HIS MAJESTY'S ECCLESIASTICAL
COMMISSIONERS.

CHAP. L.

Vol. I. c. 28. p. 349.

ULTERIOR OCCURRENCES RESPECTING THE
PROTESTATION OF ALLEGIANCE.

L. 1.

Vol. I. c. 28. s. 1. p. 350.

*The Petition of Eight Priests confined in Newgate, to
Paul the fifth, for an Explanation of the Briefs.*

L. 2.

Vol. I. c. 28. s. 2. p. 351.

1. *Opinion of several Doctors of the Sorbonne, in favour of the Oath.—Sentiments of Bossuet respecting it.*

L. 3.

*Vol. I. c. 28. s. 3. p. 356.**Final Division of Opinion on the Oath.*

L. 4.

Vol. I. c. 28. s. 4. p. 358.

Complete Rejection, (now adopted by the Universal Catholic Church),—of the Pope's Deposing Power, in the Declaration of the Gallican Church, in 1682.

CHAP. LI.

DECLINE OF THE PARTY OF THE ENGLISH FUGITIVES IN SPAIN.

1612.

THE correspondence, in Winwood's Memorials, of sir Charles Cornwallis, the resident minister of king James at Madrid, with the earl of Salisbury, contains much curious information respecting the

state and dispositions of the English fugitives in Spain, during the first years of the reign of that monarch. Immediately after the conclusion of the peace between him and Spain, the fugitives shewed a strong wish to return to their native soil. "The jesuits," says the resident*, "would be well contented to be inclosed within any walls of England, so they might enjoy the air of their native country.—In like mind, (so far as words may find belief), I find most of the other pensioners and feuditaries to the king of Spain; neither do any profess more obedience and love to the king my master and his estate than the jesuits themselves; yet with retaining the condition of their profession, which is to go for England, when their superior shall command them."

The countenance, which Spain gave to the fugitives, displeased the resident: he frequently remonstrated against it, without effect: he mentions some interesting conversations which he had, with father Creswell, and with the duke of Lerma the prime minister of Philip III †. Creswell was left at Madrid by Persons to manage the concerns of the English jesuits in Spain, when he quitted that country: the resident describes him as desirous of conciliating those, whom Persons's turbulence had alienated ‡; as wishing "to take hold of the advantage of the time, and build the foundation of his greatness in preaching and persuading of obedience and temperance, and becoming a means to

* Vol. ii. p. 72, 97.

† Ibid. p. 226.

‡ Ibid.

“ combine the two great monarchs of Great Britain
“ and Spain.”

Creswell, however, was viewed by James and his ministers with so evil an eye, that they directed their resident to hold no correspondence with him. Still, the resident for the purpose of promoting disunion among the fugitives, and, as he terms it *, “ to dive into their devices, and because no door
“ either of the king, the duke †, or secretary was
“ shut against him,” continued to communicate with Creswell: but the injunctions which the resident had received not to communicate with him, came to Creswell’s knowledge, and gave him great offence: he caused the resident to be informed, that “ his majesty had lately given a kind of toleration to the catholics in Ireland; and that, until
“ he should do the like in England, he would
“ labour in vain either in working alliance, or in
“ endeavouring to continue the peace in Spain:
“ whereas they so much abhorred the king and his
“ manner of government in religion, as they would
“ sooner bestow their daughter upon a son of the
“ Turk, or upon the king of Morocco, than upon
“ the prince of England.” He said, moreover, that
“ the archpriest in England had of late taken the
“ new oath ‡, that therein he had done a thing
“ both evil and well; evil, to have assented to a
“ thing so contrary to his profession and derogatory
“ to the church; well, in declaring himself so
“ plainly, as whereby he had put a kind of necessity

* Vol. ii. p. 226. † Of Lerma.

‡ See the preceding chapter.

“ on the people to declare both against himself and
 “ the king himself, who however he or his majesty’s
 “ ministers esteemed of him, yet was in right and
 “ truth none other than an officer, and removable
 “ at the pleasure of a superior power wheresoever
 “ he should either tyrannise or abuse his office*.”

The resident expresses great indignation at this arrogant language : if Creswell really used it, (and it is the subject of two letters from the resident to the earl of Salisbury), Creswell deserved all the indignation, which it excited. The resident afterwards came to an open rupture with Creswell :— he describes Creswell as a vain-glorious man, and says “ he played on Creswell’s vain-glory to discover his secrets †.”

In a subsequent letter ‡ the resident gives an account of a very curious conversation between him

* Vol. ii. p. 344–345.

† “ Creswell became a man of great authority among those
 “ of his order, being successively rector of the English col-
 “ leges at Rome and Valladolid ; and vice-prefect of the
 “ mission in Spain and Flanders. As he had a head well
 “ turned for business, so he sometimes employed it in politics ;
 “ and, in imitation of father Persons, by corresponding with
 “ statemen and princes, gave a handle to his enemies to mis-
 “ represent his labours upon several occasions. Philip II.
 “ and III. of Spain appear to have had a particular respect for
 “ him ; though I cannot find, the interest, he had with them,
 “ was made use of any further, than to promote the cause of
 “ his order and religion. If he was charged with being too
 “ busy in other matters, it appeared not by any overt act.
 “ Worn out with age and labour, towards the latter end of his
 “ days, he was made superior of a small community of his
 “ order in Gaunt, where he died about 1623.”

‡ Page 462.

and the duke of Lerma. The latter expressed an earnest wish to effect a reconciliation between the pope and the British monarch : " Would the British " monarch," he asked, " be contented to hold any " correspondence with the pope ?" " I answered " writes the resident, " that therein having neither " commission nor so much as any the least under- " standing of his majesty's mind in that case, " I could not resolve him : but said that I verily " thought, that in matters civil, his majesty, (sus- " picious being once taken away), would not deny " to correspond with him, as with other temporal " princes."

Some further steps were taken towards the work of reconciliation : but the whole went off in a manner, at which the reader must smile *. In a former chapter, we have mentioned the work of king James called his Apology and Præmonition : by his majesty's desire, the resident requested leave to present it to the Spanish monarch : the duke of Lerma, " with " a great sigh wished, that the rare and singular " talents of his Britannic majesty, whereof all the " world took so great a notice, had been employed " upon a better, a more sound and pleasing subject : " but he marvelled much, that to his majesty it " should not be understood, that the king of Spain " was so entire and sincere in his faith and obe- " dience to the church of Rome, from whom it was " upon pain of excommunication directly forbidden " receipt or reading of any books of such a nature,

* Vol. iii. p. 66.

“ as is said to be that of his Britannic majesty, as
“ there could not be so much as a concert that
“ he would by any means be drawn to receive it.”
“ To this the resident replied at length : finally,
he observed to the duke that, “ no work could
“ be more glorious to the king of Spain, whom
“ God had made so mighty a king, (and a king
“ blessed with the government of so large a part
“ of the world), as to putting his royal hand
“ to the clipping of those overgrown feathers of
“ the see of Rome; the mistake whereof had drawn
“ so large a portion of christendom from it. I added
“ hereunto,” continued the resident, “ the example
“ of the French king and of the seigniory of Venice,
“ who had both received the book, without fear or
“ scruple. The duke having given me leave to say
“ thus much, replied, that the king, in his religion
“ and obedience to the see of Rome, (which all his
“ ancestors had theretofore held and professed), was
“ so immoveably fixed and determined, as he held
“ it not fit to call it in question or dispute ; and
“ therefore he never would receive much less give
“ reading to any book containing matter derogatory
“ either to the one or the other.”

It appears by the correspondence, which we have mentioned, that the fugitives quarrelled among themselves ; that every day their party became weaker ; and that, it had dwindled to nothing before the end of the reign of James. A few English, and several Irish families remained in Spain ; some of these and their descendants obtained both civil and military offices of distinction ; others were suc.

cessfully engaged in commerce. All the colleges established in Spain by father Persons have continued to the present time, but, passed, on the dissolution of the society of Jesus, into other hands.

A remarkable circumstance presents itself in this place for notice. The Spanish nation, has always singularly regarded the Irish. This has been attributed, by some, to the supposed Milesian descent of the latter; by others, to the emigrations from Ireland to Spain in consequence of the dreadful persecutions and confiscations, which took place during the reigns of James I, and the first two Charles'; and afterwards both during the usurpation, and at the revolution in 1688. The greater part of these emigrants settled in Gallicia, and, till the recent alteration of the Spanish constitution, all the Irish, who settled in that province, were ranked as subjects born within its territory. In every other part of Spain, they were allowed extensive privileges, and in the ordinary intercourse of life, met with particular favour*.

* Some further particulars of the Spanish party occur in Dr. Birch's "Historical View of the Negotiations between the Courts of England, France and Brussels," 8vo. 1749,—an interesting publication, now become very scarce, (p. 229 to 257). He shews that a regiment of English, chiefly catholics, in the Spanish pay, were stationed in the Low Countries, and intimates that it was the intention of the archduke to send the regiment into England, immediately upon the execution of the gunpowder plot; but Dr. Birch brings no evidence that connects the regiment with the plot. He mentions that father Owen and father Baldwin, two jesuits, were suspected of being privy to the plot, and that king James required them to

be delivered up to him ; offering at the same time, that “ they should be questioned for nothing, except the part which they were accused of having taken in the plot ; that they should not be tortured,” and that “ the Spanish ambassador should be present at their examination and trial.” This was refused ; but both jesuits were imprisoned ; and an offer made to James, that they should be interrogated in prison, and their papers examined by commissioners of his nomination : this he refused. The two jesuits were afterwards released : and father Owen succeeded father Persons, in the rectorship of the English college at Rome, and the prefecture of the jesuits in the English mission ;—but, in 1610, father Baldwin was seized, as he was passing through the Palatinate, and delivered to sir Ralph Winwood, who procured him to be sent to England. Great discoveries were expected, but nothing appeared against him, and he was never brought to trial. He was however kept in prison till November 1612, when he was exchanged for Mr. Mole, lord Rosse’s tutor, who was at that time a prisoner in the inquisition at Rome.—(See in addition to the pages cited from Birch’s *Negotiations*, Winwood’s *Memorials*, vol. iii. p. 210, 211, 407 ; and Dodd’s *Hist.* vol. ii. p. 398–417.—Nothing ever appeared against either of the fathers.

Birch has added, at the end of the *Memoirs*, a “ Relation of the State of France, in the Reign of Henry IV. by sir George Carew,”—a very curious and important document,—which, even now, deserves to be read and meditated.

CHAP. LII.

GENERAL VIEW OF THE LAWS PASSED AGAINST THE CATHOLICS;—IN THE REIGNS OF ELIZABETH AND JAMES.—DEATH OF JAMES.

1625.

THE laws, which were passed by the last monarch of the house of Tudor and the first of the house of Stuart, against the English catholic subjects for their religious principles and the exercise of their religion, were irreconcilable with every principle of justice and humanity. We shall now present the reader with a succinct view of their general effect and operation.

1. From the planting of christianity in our island, till the infant reign of Edward VI. *the mass* was the solemn service, at which the catholics of England, as their brethren throughout the world, assembled, to express their adoration of the Deity, to commemorate the death and passion of his Son, to thank him for his blessings, and to implore his protection and favour, on themselves and their neighbours. It was restored by queen Mary; “We,” it is said in the statute, which passed for that purpose, “found it in the church of England, left to us by the authority of the catholic church.” It was proscribed, and another service substituted in its stead by Elizabeth, and by a law passed in her reign, a priest who should say or sing mass, was to forfeit two hundred marks, and suffer imprisonment for twelve months; the hearer was to

forfeit one hundred marks, and to be imprisoned for six months.

2. A person who refused to assist at the church service, devised in the reign of Edward VI, and established by the act of uniformity, which, whatever might be its merit, was certainly, (as it is termed in the statute of queen Mary), "a new thing," was denominated in the law a *recusant*, he was to forfeit twelve pence for each Sunday's absence; was to be presented by the churchwardens to the ecclesiastical court, and there excommunicated: the excommunication was to be certified into chancery, the writ *de excommunicato capiendo* was to be issued against him; this authorized the sheriff to break open his house, to attach and imprison him, or to present him at the next assizes; an indictment was then to be framed, to which no plea, but the general issue, or conformity, was to be admitted.

If the indictment was found by the jury, a proclamation was to be made, that the recusant should surrender himself to the sheriff; if he did not appear, or confess the indictment, or if the jury found it against him, he was denominated a *recusant convict*; his conviction was to be certified into the exchequer; if he had not paid the forfeitures which he had incurred, process was to be awarded for levying them from his lands, goods and chattels.

3. Having thus become a *recusant convict*, he was immediately to pay down the sum of 20 *l.* and, from this time, was to pay 20 *l.* a month, and be bound

with sufficient sureties for his good behaviour; if he could not pay it, he was to forfeit all his goods, and, during his recusancy, two parts of his lands: if afterwards the profits of the two parts of his lands exceeded the 20 *l.* monthly, the king was to choose which he would have, the 20 *l.* or the two parts.

4. These penalties were accompanied by a long train of *disabilities*. The popish recusant convict was to make no presentations, or collation, to any advowson, prebends, or hospital, either of the gift or foundation of himself, or his ancestors: he was not to be an executor, administrator, or guardian: nor practise in the common law, the civil law, the canon law, or physic: he was not to be a judge, steward, or minister of courts, or a school-master, or hold any office of public charge, or any office of arms in a ship, a castle or fortress: his armour was to be taken from him, yet he was to be chargeable, as his majesty's other subjects, with finding the usual quota of armour. He was to be confined within five miles of his dwelling; and if, without special licence, he passed those bounds, he was to forfeit all his goods, and all his copyhold lands might be seized: he was not to come into the court of the king or prince, or into the city of London, if he had any dwelling elsewhere, under the penalty of 100 *l.* Finally, he was to be considered as excommunicated, in all personal actions, and therefore, (which is a necessary consequence of excommunication),—he could not either maintain or defend a personal action or suit.

5. The offence of the popish recusant convict, was dreadfully visited on *his wife*.

If they married according to the catholic rite, he was to forfeit 100 *l.* ; if she were convicted of recusancy, he forfeited 10 *l.* monthly for her, or one third part out of his own remaining third part of his property ; if she survived, she was disabled to be his executrix or administratrix ; she was to forfeit two parts of her jointure, or two of her dower ; she might, during the marriage, be taken from her husband by a justice of peace, and confined in her house. Though the husband conformed, he was to pay 10 *l.* monthly for his recusant wife, and was disabled, during her recusancy, from holding any public office in the community.

If she was convicted of being a popish recusant, then, if she was a baroness, she might be committed to prison by one of the privy council, or the bishop of the diocese ; and if she were under that rank, she might be committed to prison by two justices of the peace, and remain there, till she conformed, unless her husband should pay to the king 10 *l.* a month, or the third part of her lands, so long as she continued a recusant and out of prison.

6. The same persecuting spirit appears in the legislative provision respecting his *children*.

If he christened them after the catholic rite, he forfeited 100 *l.*—At nine years of age his children might be presented, and at sixteen indicted for recusancy ; at sixteen, the oath of supremacy might be tendered to them. If, to educate his children at home, he kept a schoolmaster, he forfeited for every

day 40 s.; if he sent them abroad, he forfeited 100 l.; and the child was disabled from taking lands by descent or purchase, until he conformed.

7. The same spirit extended also to his *friends and servants*:—if he harboured, maintained, or relieved any recusant servant, sojourner or stranger, his father and mother excepted, he forfeited for every month, 10 l.

This act had a dreadful operation.—“ Many “ serviceable men and women,” says a contemporary writer, now before me, “ became, in consequence of it, absolutely destitute of succour, and “ were obliged, in order to obtain employment and “ food, to travel beyond the five miles, within which “ the law confined them, under the severe penalties, which have been mentioned. If they had “ not the means of paying the forfeitures, thus incurred, the law enjoined them to abjure the “ realm; if they refused, or, if having abjured it “ they returned afterwards to it without licence, “ they were to be adjudged felons.”

8. The recusants also were liable to all the severities of the *ecclesiastical courts*. They might be summoned, by the ecclesiastical judges, at their pleasure: if they attended, they might be fined at discretion; if they did not attend, they were excommunicated. Attending or not, warrants were generally sent to search and seize their religious books, chalices, and every article, which served for use or ornament, in their religious worship: the search was generally made with unfeeling contumely.

9. By several acts, some of which were a pleasing, some a necessary attention to his religion, a catholic was subject to a *præmunire* :—as, 1. The receipt of an agnus dei, a crucifix, beads or pious medals : 2. Aiding, abetting, taking or giving absolution by a bull from the pope : 3. Concealing an offer made to him of such a bull : 4. Sending relief to priests beyond seas : 5. Maintaining the pope's jurisdiction ; and 6. The first refusal of the oath of supremacy.

10. By three acts, the catholics incurred the penalties of *felony* : 1. Receiving a priest ; 2. Returning from banishment ; 3. Departing from the realm without taking the oath of allegiance.

11. For the oppression of the catholics five new *treasons* were invented : 1. The second refusal of the oath of supremacy ; 2. Maintaining, a second time, the pope's spiritual authority or jurisdiction ; 3. Giving or receiving absolution from the see of Rome ; 4. Reconciliation or persuasion to the catholic religion ; 5. Receiving holy orders beyond the seas.

12. Finally,—the law pursued them even to *the grave* : if a recusant convict, man or woman, not being excommunicated, was buried, in any other place than in the church, the executors of the person so buried were to forfeit 20*l*.

13. It should be observed, that the catholics were subject, in the same manner as the protestant dissenters, to the proceedings of the *high commission* : how oppressive these were, and how severely the protestant dissenters suffered under them, will

appear in a future part of this work ; but, as the catholics were much more odious to the queen and her ministers, than the protestants, there is great reason to believe, that they suffered much more severely under them.

14. Add to this,—that, even when the laws which have been mentioned were not acted upon, they had a silent but most bitter operation : they tended to make every catholic an object of odium, to lessen his few remaining comforts, and to abridge his few remaining rights. When they were withheld or contested, if the catholic complained, or resisted, or resorted to law, he was often reminded that he might be proceeded against for recusancy.

15. We shall conclude this account of the sufferings of the English catholics under the penal codes of Elizabeth and James, by an authentic account taken from Dodd's Church History * of the sufferings of one catholic family under them ; it affords a striking view of the *general calamity of the catholic body during these reigns.*

“ Francis Tregian, son of Thomas Tregian of Volvedon or Golden, in Cornwall, by the eldest sister of sir John Arundel, was master of a very plentiful fortune, remarkable for hospitality, strictly religious, and a zealous maintainer of the faith of his ancestors. In the year 1577, the laws against recusants, which, for some time before, were vigorously put in execution in several parts of England, were also encouraged in Cornwall, through the malice of some exasperated

* Dodd, vol. ii. p. 168.

“ neighbours ; who, one way or other, were of-
“ fended at Mr. Tregian, and laid hold of the
“ opportunity to bring him under distress. Ac-
“ cordingly, they informed against him, and a war-
“ rant was issued out to seize him ; he being then
“ only twenty-eight years of age. Wherefore,
“ June 8th, 1577, the sheriff of the county, with
“ eight or nine justices of the peace, and above a
“ hundred attendants, well armed, entered his
“ house, took away by force, Mr. Tregian, with his
“ chaplain, Cuthbert Mayne, bachelor of divinity,
“ and several of his domestics. They were first
“ hurried away to Truro, a market town at five
“ miles distance ; where the bishop of Exeter had
“ a seat and resided at that time. It appearing
“ upon examination, that Mr. Tregian was a recu-
“ sant, he was obliged by the judges to give a
“ bond of 2,000*l.* for his appearance the next
“ assizes. Some time before the assizes, his pro-
“ secutors, not being prepared for a trial, contrived
“ matters so, that an order came down, to have
“ him brought before the queen’s privy council :
“ wherefore, being carried up to London, he was
“ kept under confinement, till the council was
“ disposed to call him before them. At his exa-
“ mination he was charged with recusancy, with
“ entertaining persons of a suspected character in
“ his family, and countenancing superstitious prac-
“ tices. He frankly owned the charge of recu-
“ sancy ; but at the same time assured the council,
“ that he did not absent himself from the protestant
“ church out of any evil affection to the queen, or

“ government ; but entirely from a principle of
“ conscience. At the breaking-up of the sitting,
“ sir Francis Walsingham told him, he was not to
“ be discharged as yet, for other informations were
“ expected against him, out of the country. How-
“ ever, he was civilly treated ; especially by the
“ earl of Essex, who invited him to dinner, and
“ gave him such advice, as he thought friendly, and
“ seasonable : which was, to appear once at church ;
“ with an assurance, that all further prosecution
“ should be stopped ; Mr. Mayne and his domestics
“ should be released ; and no doubt, but he would
“ be very much in the queen’s favour. Mr. Tregian
“ was prepared against such attacks, and remained
“ firm to his principles. Meantime, his family was
“ in the utmost distraction, and his chaplain,
“ Mr. Mayne, condemned to die, and publicly
“ executed at Launceston, November 29th, 1577.
“ By this time, the council was furnished with
“ other allegations against him, viz. besides re-
“ cusancy, that he had been present at mass ;
“ received *agnus deis*, and a jubilee from the
“ bishop of Rome ; abetted, and entertained those,
“ that had asserted the pope’s supremacy. Upon
“ this he was committed close prisoner to the Mar-
“ shalsea ; where he was confined ten months, not
“ being permitted to keep any correspondence
“ with his family during that time ; which was a
“ great detriment to his domestic concerns, as it
“ appeared from one particular instance. Mr.
“ Tregian had dealings with one Mr. Brandore, a
“ goldsmith, in London ; to whom, upon balancing

“ accounts, he was found indebted 70 *l.* Now this
“ goldsmith, understanding that Mr. Tregian lay
“ under a very dangerous prosecution, and apprehending the loss of his money, went down to
“ Golden, and made a seizure of his goods to the
“ value of 500 *l.* and what with charges and other
“ incidental expenses, Mrs. Tregian was obliged to
“ pay down 200 *l.* to the creditor, before the goods
“ could be replevied. All this happened without
“ Mr. Tregian’s being acquainted with the affair.
“ It was thought his trial would come on at the
“ king’s-bench bar ; which his counsel pressed hard
“ for. But the witnesses against him being at a
“ great distance, and his enemies apprehending,
“ lest his friends in London, (some whereof were
“ men in power), might frustrate their designs, they
“ procured to have him sent down into Cornwall,
“ not doubting to carry their point there. This
“ project taking effect, one Walkow his professed
“ enemy, was to be his guard and conductor ; and,
“ as he was a person void both of good manners
“ and humanity, Mr. Tregian was treated by
“ him accordingly. For, to omit other hardships,
“ the horse he provided for his journey, including
“ saddle and bridle, was scarce worth ten shillings.
“ After some time, the trial came on ; and
“ Mr. Tregian made his appearance at Launceston
“ assizes. The queen’s counsel endeavoured to
“ charge him with the several indictments, upon
“ which Mr. Mayne had been condemned, and
“ executed. In order to this, they produced one
“ Twig a musician, or rather a strolling fiddler

“ whom Mr. Tregian had entertained in his family,
“ in the Christmas time, for the diversion of his
“ tenants, and neighbours. This Twig deposed,
“ that he had sometimes seen Mr. Tregian go into
“ Mr. Mayne’s chamber, and remain there about an
“ hour : which he conjectured to be the time,
“ while Mr. Mayne was saying mass : that, during
“ the Christmas, an. 1575, he was Mr. Mayne’s
“ bedfellow ; who owned himself to be a priest ;
“ and that he had brought a number of agnus
“ deis from Rome. Other evidence were produced ;
“ but not so material. Then Mr. Tregian was
“ permitted to make his exceptions ; which were
“ considerable, had the court been disposed to
“ attend to them. In the first place, he made it
“ appear, that Twig was not acquainted with
“ Mr. Mayne’s chamber, from several questions
“ proposed to him concerning the situation. But
“ the queen’s counsel replied, that such circum-
“ stances were not material. Then he proposed
“ to the bench, whether Mr. Mayne, who was
“ known to be a cautious and prudent man, could
“ be so indiscreet, as to own himself to be a priest
“ to a stranger, and vagabond ? or that a common
“ fiddler should be made bedfellow to one of
“ Mr. Mayne’s character ?—Again, he alleged,
“ that Twig had perjured himself, as to the cir-
“ cumstances both of time and place ; he had
“ sworn to Christmas, an. 1575, whereas Mr. Mayne
“ was then at Douay ; and did not come over into
“ England, till Easter ; and had never been at
“ Rome in his whole life. These particulars, he

“ could prove by forty witnesses. But as they
“ were not ready in court, the judges said, it was
“ a frivolous thing to mention them ; and that the
“ trial could not be put off. So the jury were left
“ to consider matters, as they stood. While they
“ went out upon the case, some pains were taken,
“ to persuade Mr. Tregian to conform so far, as to
“ appear at church ; with a promise, that the rest
“ of the prosecution should be dropped ; which he
“ refusing, as formerly he had done, the jury re-
“ turning into court brought him in guilty of the
“ several articles of the indictment, viz. of being
“ present at mass, of recusancy, of entertaining
“ one, that maintained the pope’s supremacy, of
“ receiving and dispersing agnus deis, &c. How-
“ ever, judgment was not given at these assizes. It
“ was thought convenient, first to advise with those
“ above, concerning the penalty ; the case being
“ new as to some particulars. Between the two
“ assizes, Mr. Tregian sent up a servant towards
“ London, to pay off some bills ; as also with letters
“ to his friends to give them an account of his trial,
“ and desire their interest for the mitigating of his
“ sentence the next assizes. But either casually, or
“ designedly, his servant was stopped at Hun-
“ nington ; and, being examined, had his letters,
“ bills, and money taken from him : and the poor
“ man himself was thrown into prison. By this
“ means, Mr. Tregian’s friends at London became
“ incapable of doing him any service ; nor was
“ any thing said, or done, in his behalf.

“ The time of the assizes at Launceston being

“ at hand, judge Manwood, a violent enemy to
“ Mr. Tregian, was upon the circuit, instructed
“ with the particulars for his sentence : which was,
“ that he had incurred a *præmunire*, that is, for-
“ feiture of goods, chattels, &c. with imprisonment
“ for life, or during the queen’s pleasure. At the
“ court’s sitting, Mr. Tregian’s counsel alleged
“ several things, why judgment should not pass, viz.
“ That the proofs against him were only presump-
“ tions; no fact being made out, excepting recusancy,
“ which the prisoner owned, and submitted himself
“ to the penalty. That it did not appear, that
“ Mr. Tregian was privy to Mr. Mayne’s bringing
“ over the agnus deis, or pope’s jubilee ; much less,
“ that he had abetted, or countenanced him in deny-
“ ing the queen’s supremacy. But all this, and much
“ more they said to the same purpose, could not
“ hinder the sentence ; which was no sooner pro-
“ nounced, but Mr. Tregian was hurried from the
“ bar, to a loathsome prison ; being a dungeon,
“ where he had neither bed to rest upon, nor stool
“ to sit on, nor the least glimpse of light, to discover
“ what kind of apartment he was thrust into. Here
“ he remained all that night. The next day, he
“ was removed to his old habitation in Launceston
“ castle, where he had better conveniences, though
“ very bad ones. About midnight, the day follow-
“ ing, certain officers arrived post from London at
“ Golden, with a commission to break open the
“ doors, in case of resistance, and seize upon all the
“ unfortunate gentleman’s goods. Mrs. Tregian
“ had three children, Francis, Adrian, and Mary ;

“ they were at the same time ordered immediately
“ to quit the house. She was then big with child ;
“ and so near her time, that a journey to London
“ was very dangerous. However, her presence
“ there was absolutely necessary, to solicit for a
“ maintenance for her husband and family. Where-
“ fore, without farther deliberation, she undertook
“ that tedious journey of two hundred miles, with
“ her three children, a man and a maid servant.
“ She stowed her children in a pair of panniers, and
“ so proceeded on her journey : which she had
“ scarce half completed, before she fell in labour ;
“ and was delivered of a female child : which was
“ of some service, in helping to poise the panniers,
“ and keep them to a better balance. And thus,
“ having rested herself for some time upon the road,
“ she arrived at London ; where she followed the
“ court, a whole year, with very little success.
“ Mean-time all Mr. Tregian’s goods were disposed
“ of at the queen’s pleasure ; and, in a little time,
“ all his real estate ; insomuch, that his mother,
“ Mrs. Catherine Tregian, was also deprived of her
“ jointure. By this means the whole family was so
“ reduced, as to live upon the charity of friends
“ and relations. But Mr. Tregian himself was the
“ greatest sufferer ; who was almost starving in
“ Launceston castle : what he had to support him,
“ passing through several hands, and often those,
“ that were not well affected towards him, made his
“ allowance very scanty. But worse things threat-
“ ened him. Some, that were enriched by part of
“ his substance, apprehending, that he might find

“ friends, to recover his real estate, had engaged as
“ ’twas believed, a villain to assassinate him : but
“ providently the design was detected.

“ Mr. Tregian, having now lost all hopes of re-
“ covering his freedom, began to enter upon a me-
“ thod of life suitable to a person fully possessed
“ with the best notions of religion. He spent a
“ great deal of time in praying, and meditating
“ upon the blessings attending those that carry the
“ cross, and follow the steps of their Redeemer.
“ To his religious practices he joined such studies,
“ as the inconveniences of the place would allow of ;
“ and having some taste for poetry, he now and
“ then composed on the miseries of human life ;
“ and other subjects, which were suitable to his
“ present condition. But, as he tells us in one of
“ his poems, he was very ill provided with tools for
“ the business ; being sometimes obliged to make
“ use of a pin, and a liquid substance of water and the
“ snuff of a candle, instead of pen and ink. By
“ this means, he became entirely resigned to the
“ conduct of Divine Providence. But as the late
“ attempt upon his life, had given him some per-
“ plexity ; so it continually ran in his thoughts,
“ that his enemies would contrive some way to take
“ him off privately ; and, by spreading a report
“ that he laid violent hands upon himself, cast an
“ aspersion both upon his cause and character.
“ These reflections put him upon a project of
“ making his escape ; wherein being detected, he
“ was thrown into a dungeon, loaded with irons of
“ thirty pounds weight. In this apartment he had

“ twenty malefactors for his companions, who com-
“ monly ~~laid~~ ^{saw} themselves upon the floor, which was
“ but once cleansed in the thirty days he remained
“ amongst them ! Besides the loathsomeness of
“ the place, he was frequently insulted by one of
“ the malefactors, a man of a barbarous and inhu-
“ man temper, who treated him with base language,
“ reviled him for his pretended crimes against the
“ queen and government ; but mostly for his pray-
“ ing and religious discourse, which is a sufficient
“ matter of ridicule for such abandoned wretches.
“ When he had remained about a month in this
“ company, the jailor was pleased to re-conduct him
“ above stairs, to his former apartment, where he
“ was better accommodated.

“ His lady, in the mean time, had obtained an
“ order for his removal to the king’s bench prison :
“ which being executed, the officer who was charged
“ with him on the road, brought him in a bill of
“ expenses of fifty pounds. The demand appearing
“ very extravagant, Mr. Tregian was dilatory in
“ the payment ; upon which the officer threatens to
“ carry him back into Cornwall. Mr. Tregian peti-
“ tions, and lays his case before the council, where
“ he found no relief : the officer being left to use
“ his own discretion, in case his expenses were not
“ repaid. This obliged Mrs. Tregian to use all
“ the means she could, to raise the sum. She sold
“ her best clothes, and some other things of value ;
“ which falling short, was made out by a collection
“ among friends. Mr. Tregian was afterwards
“ removed to the Fleet prison ; where, July 20th

“ 1593, he had been thirteen years. His lady lived
“ constantly with him in prison. He had by her
“ eighteen children ; whereof eleven were born
“ during their confinement, and most of them were
“ alive in 1593, which is the date of the manuscript
“ from whence I have collected all these particulars.
“ Mr. Tregian was a person of invincible courage
“ under affliction, and of a constitution as to his body,
“ which he enjoyed without any remarkable indis-
“ position the first seven years of his confinement.
“ But, as he advanced in years, he began to feel the
“ effects of the hardship he had undergone, and
“ laboured several years under several indisposi-
“ tions ; but was perfectly re-established in the
“ year 1593, which is the last time I find any men-
“ tion made of him ; only what is recorded in the
“ diary of the English college at Douay, viz.
“ that in July 1606, one Mr. Tregian, an ancient
“ gentleman, after above thirty years imprison-
“ ment, arrived there in his way from Spain. Mr.
“ Francis Tregian was descended of an ancient
“ British family, of great account in Cornwall,
“ even before the conquest. His great-grandmo-
“ ther was the daughter of Thomas Gray, marquis
“ of Dorchester, half brother to queen Elizabeth,
“ daughter of king Edward IV, and wife of king
“ Henry VII. His mother was the eldest sister
“ of sir John Arundel, knight, of Lanhem, the
“ thirteenth knight of that family of the name of
“ John. His lady was the eldest sister of lord
“ Stourton, by Catherine, sister to Ferdinand earl
“ of Derby ; which Catherine was married to sir

“ John Arundel for her second husband : her first,
“ the lord Stourton, having been executed at
“ Salisbury, in queen Mary’s reign. Mr. Tregian’s
“ eldest daughter Mary, was married to Thomas
“ Yate, esq. of Berkshire, whom he took without
“ any portion, by his father’s express command.”

What a dreadful scene of persecution is exhibited in the preceding narrative ! In what an agony of woe, must the general body of catholics have existed during that period !

CHAP. LIII.

THE INSTITUTION OF AN ARCHPRIEST :—DEATH
OF FATHER PERSONS :—ENGLISH BENEDICTINE
MONKS,—FRIARS,—COLLEGE AT LISBON.

THE hierarchy of the roman-catholic church is of Divine institution : it must, therefore, be excellently calculated for the end, for which it was designed by its Divine Founder. The plenitude of power which Christ conferred on Peter and his successors, enables them, when extraordinary circumstances arise, to provide for them by extraordinary means ; but such cases are not of frequent occurrence : an extreme case, therefore, must always be supposed, when a departure from the established economy of the christian church is to be justified.

Bishops were established to preside over, to direct, and to govern the spiritual concerns of the fold. As Christ was sent by his Father to teach

the Gospel on earth, so did Christ send his disciples on the same sacred mission * : St. Paul declared to the bishops in Asia, that the Holy Ghost had established them to govern the church of Christ † : and he informed Titus ‡, that he left him in Crete, to ordain bishops over the churches in that island. Every reader is familiar with the names of the seven Asiatic bishops, to whom the angel of the Apocalypse, announced the messages of Heaven.

Thus, bishops are of Divine original.—They are the principal dignitaries in the economy of the church : all their functions are of the highest utility, and several are absolutely necessary to its preservation and welfare.—Among these, some can be exercised by them only. The advantages which each flock derives from having its appropriate pastor, and which the general body of the church derives from the general body of the episcopacy, are incalculable.

The greatest care, therefore, has been ever taken, that every church should have its bishop. During all the persecutions, which the church sustained under the pagan emperors and the Arian and Vandalic tyrants, this principle of the christian economy was invariably regarded : never was a flock permitted to subsist, for any length of time, without a regular shepherd.

* Mark iii. 13, 14; John xx. 21.

† Acts xx. 28.

‡ Titus ii. 5, 7.

LIII. 1.

The Institution of an Archpriest.

DOCTOR Watson, the bishop of Lincoln, was the survivor of those English prelates, who did not conform to the religious innovations of Elizabeth : he died in 1584.—The gradual failure of the hierarchy had long been felt by the catholic laity and clergy, and a temporary remedy for it had been taken into consideration. It was proposed, that England should be separated into a northern and a southern division,—and certain arrangements of order and subordination established, to the observance of which the missionaries should engage themselves ; but it was always understood that, when the scheme was completely digested, it should be submitted to the holy see, and its adoption deferred till it should receive the papal sanction. The regulars objected to the measure, as tending to interfere with their special exemptions and privileges, and to place them too much in the hands and under the control of the secular clergy. On this account, no steps were taken to carry it into execution.

In the mean time the want of a bishop was severely felt. Father Persons in a letter which he wrote in 1586*, to father Alphonsus Agazzarius,

* See “ A modest Defence of the Clergy and Religious, in a
“ Discourse directed to R. C. chaplain to an English regiment,
“ about his History of Douay College, with an account of

rector of the Roman seminary, says,—“ there is
 “ great want of a bishop in England, to consecrate
 “ the chrism for the administration of the sacra-
 “ ments. We are reduced to great streights for
 “ want of one ; and unless his holiness do provide
 “ us with one in time, I know not what can be
 “ done. We hope his holiness will soon appoint one ;
 “ without question it’s for the public good.”

Three plans were now suggested :—the appoint-
 ment of bishops with ordinary jurisdiction over
 distinct portions of England ; the appointment of
 bishops to foreign sees, with powers from the holy
 see, to exercise their episcopal functions in Eng-
 land ; and the appointment of an archpriest, to
 whom a general superintendence over the clergy
 and the spiritual concerns of the English catholics

“ matters of fact misrepresented in the said History, 8vo.
 “ 1714.”

This work was written by father Huntley, of the society of
 Jesus, in answer to “ The History of the English College at
 “ Douay, from its first foundation in 1568, to the present
 “ time,—by R. C. chaplain to an English regiment, 8vo.
 “ 1713.”—Dodd, the author of the Church History, so often
 cited in this work, was also the author of the History of the
 English College. He replied to father Huntley’s answer, by
 his “ Secret Policy of the English Society of Jesus discovered,
 “ in a series of attempts against the clergy, in 8 parts and 24
 “ letters, directed to their provincial, 8vo. 1714.” This work
 is generally called, “ Dodd’s Provincial Letters.” They were
 written at a time of great irritation, in consequence of an
 attempt, which we shall afterwards notice, to render the
 English college at Douay suspected of jansenism. They must
 therefore be read with great caution. A manuscript reply to
 them was prepared ; but never published : it exists at
 Stoneyhurst.

should be committed; and who, speaking generally, might be invested with all the powers usually exercised by bishops, excepting those, to the exercise of which, as the blessing of chrism, and conferring the sacraments of confirmation and order, the episcopal character is absolutely necessary.

Many reasons seemed to give a preference to the first plan: it was conformable to the universal economy, both ancient and modern, of the catholic church. This circumstance alone seems to decide the question in its favour.

A good reason for rejecting it has not yet fallen under the eye of the writer; two only were assigned:—it was said, that, to establish an episcopal see, requires many arrangements, which the actual circumstances of the English catholics did not admit;—but, if bishops were to be a constituent part of the christian hierarchy when Christ sent his disciples, as sheep in the midst of wolves*;—and, if they were continued without the slightest intermission, during all the persecutions of the church, it seems difficult to suppose a possible existence of circumstances, which could make the establishment of bishops impracticable or inexpedient. Besides,—the English catholics could not but observe, that their brethren in faith in Ireland had always, notwithstanding their severe troubles, preserved their national episcopacy.—The other objection to the appointment of bishops was, that it might offend the British government: but, while every thing else in the catholic religion offended the British govern-

* Matt. x. 16.

ment, it must be of little consequence, that this also offended them. Add to this, that, so far from offending government, it was, throughout the reigns of Elizabeth and James, the wish of all their friends in power, that they should obtain from Rome the appointment of regular bishops in ordinary.—It was justly observed that, after such bishops are installed in their sees, they are only removable for a canonical crime, and by a canonical proceeding. Such bishops, therefore, might disregard and even resist with impunity such illaudable bulls as those of Paul III., of St. Pius V., of Gregory, and of Sixtus Quintus, which had so greatly injured the catholic cause, and guard their flocks against them. In fact, so generally was it understood that the appointment of bishops would be acceptable to Elizabeth and her ministers, that the catholic opposers of the measure used this very circumstance as an objection to it;—observing, that it was impossible to suppose that any plan could be acceptable to their adversaries, if they did not foresee that it would essentially prejudice the catholic religion *.

* “The reason,” says Mr. Charles Plowden (*Answer to Panzani’s Memoirs*, p. 123), “by which the pope was chiefly influenced, was his knowledge, that the principal petitioner for a bishop held a private correspondence with the queen’s ministers, to whom he knew that all means of extirpating catholicity were equally welcome, and who were most plainly fomenting the pretension of a party, whom they certainly intended to overwhelm, together with their opponents, in one common destruction. The cautious pontiff would not concur in a measure which Elizabeth patronized.”—This observation, suggested in this place, must not be accepted

At first, however, the whole catholic body seems to have been unanimous in favour of the measure. Father Persons himself presented to the pope and cardinals a memorial, containing nine reasons, to convince them of its necessity and advantage : an objection arising, from the difficulty of furnishing the expense for two persons in this employment and dignity, he prevailed on Don Francisco Sarmiento, bishop of Jaen in Spain, to make an ample provision for their support *.

For some reason, father Persons afterwards changed his mind, and the scheme of an English episcopacy, either direct or indirect, was abandoned. The plan of an archpriest remained : it was intimated, but certainly without sufficient ground, to the Roman see, that it was the general wish of the English catholics that this plan should be adopted.

Under these impressions, cardinal Cajetan, the protector of the English nation, addressed a letter to Mr. George Blackwell, an English priest, who had resided during some years at Rome, and by his learning and conduct had gained the esteem of several respectable persons, and particularly of cardinal Bellarmine and father Persons. It bears date the 7th of March 1598 : his eminence mentions in it, with great feeling, some disagreements among the catholics, and their general wish for the

without some qualification : the writer believes, that on *this* and *some* other occasions, the views of Elizabeth and *some* of her ministers were friendly to the English catholics.

* Modest Defence, p. 68. More's Hist. l. iv.

introduction, among them, of a system of subordination. He then announces to Mr. Blackwell the command of the pope that he should be archpriest over the *secular* clergy ; gives him unlimited power to restrain or revoke their sacerdotal faculties ; to remove them from place to place, at his pleasure, to summon them to him, to convene meetings of them, to propose to them such things for their observance as he should judge proper, and to punish the refractory by deprivation or censures. He names six persons to be his assistants, and empowers him to appoint others ; but all the assistants were to be subordinate to him ; he prescribes the mode of filling up their numbers. “ The jesuits,” he says, “ neither have nor pretend to have any jurisdiction or authority over the clergy, or seek to disquiet them ; it seemeth, therefore,” continues the cardinal, “ a manifest subtlety and deceit of the devil, complotted for the overthrow of the whole English cause, that any catholic should practise or stir up emulation against them.” This letter was accompanied by private instructions, which prohibited the archpriest and his twelve assistants from determining any matter of importance, without advising with the superior of the jesuits and some others of the order.

It is not surprising that, under the circumstances, in which this letter was promulgated, it gave general dissatisfaction to the secular clergy. Accustomed, as the catholics of England have long been, to the actual lowly state of their ecclesiastical economy, we cannot easily enter into the feelings of our ancestors,

and particularly of the ancient clergy, when they beheld their hierarchy extinguished and blotted out, probably for ever, from the list of national churches in communion with the Roman see : this too, at a time, while this venerable remnant of their ancient church produced martyrs and confessors, an edifying priesthood and an edifying flock. It embittered the measure, in their view, that the arrangement substituted in its stead, was a novelty, was wholly unknown in the christian world, and must deprive them and their descendants, though never so much wanted as at that time, of that sacrament, which divines had described as the ordinary means instituted by Christ to strengthen and encourage the faithful, in professing their faith before the persecutor*. Several circumstances also led them to believe that a just representation of the state of the English catholics had not been laid before the pope ; particularly that he had been induced to believe, what was contrary to the fact, that the arrangement, which had been adopted, was agreeable to the wishes both of the secular clergy and the laity. It was also observed, that, the obligation of advising with the jesuits, which the letter of the cardinal imposed on the archpriest, was a virtual subjugation of the seculars, to that portion of the regular clergy. A further, and, as the writer thinks, an unanswerable objection to the legal authenticity of the document, was the want of evidence, which shewed, that the pope had empowered the cardinal to make the arrangement promulgated by

* Dr. Kellison's Hierarchy of the Church, p. 5, 8.

his letter, or had approved of it, after it was made. Nothing is more certain than that, when a person professes to act under authority, no one is bound to acquiesce in his proceedings, until the document conferring the authority, under which he professes to act, is produced.

On these grounds, the dissatisfaction with the arrangement was great, and most of the seculars paused, before they acquiesced in the superiority conferred by the cardinal on the archpriest. He proceeded however to enforce it, but did not act with the meekness, which prudence certainly recommended. He branded all, who opposed it, with the ignominious appellation of schismatics, and threatened to proceed against them by ecclesiastical censures. An apprehension of these, and of the obloquy, to which a resistance to the archpriest would probably expose them, withheld the greater part by far of the clergy, though the discontent was nearly general, from taking an active part against him. About twenty of them determined on an appeal to Rome: some of these were eminent for experience, consummate virtue, and the courage, with which they had exercised their functions in the midst of the perils, by which they were surrounded. The course, which they pursued, was wise and temperate: they determined on an appeal to the mother and mistress see, against the proceedings of the archpriest, and to depute with it to Rome, two of their number, Dr. Bishop and Mr. Charnock, both esteemed for their learning, piety, and an exemplary discharge of missionary

duty. The former, in particular, had distinguished himself by his writings, particularly a "Defence of the Crown of England against foreign Titles," in answer to the Conference of father Persons, on the Succession, which has been mentioned in a preceding page. He had confessed Christ in chains during three years. Thus the appeal could not have been put into better hands; but, while it was pending, the appellants practically acquiesced in the authority of the archpriest, and, as Mr. Charles Flowden * in his account of their proceedings justly observes, "always proclaimed their disposition to submit to the decision of the pope, from whom they solicited redress †."

The deputies appear to have left England towards the end of May 1598. They took with them a letter signed by the appellants and addressed to Mr. Thomas More, a secular priest. This gentleman was great-grandson of sir Thomas More; had succeeded to his family estate, but, on his entering into the church, had transferred it to his next brother.

The letter ‡ contained the instructions of the deputies: they were to petition the Roman see,—for the appointment of a bishop in ordinary with suffragans;—the restoration of the Roman college to the secular clergy,—a prohibition to the English priests residing abroad, to print, without particular

* Answer to Panzani's Memoirs, p. 127.

† See in particular, Mush's Declaration, Dodd, vol. ii. p. 225.

‡ It is inserted at length at the end of Mush's Declaration Motuum.

leave, any work, on the political concerns of England,—and a permission to the clergy to form rules for their internal government.

Information of their journey and its motives having been communicated to the Roman see, cardinal Cajetan addressed a second letter to the arch-priest, condemning the conduct of the appellants, and desiring him to acquaint him with the particulars of their proceedings*.

Towards the end of December, the deputies arrived at Rome. By the narrative published by Mr. Mush, under the eye of Dr. Bishop, we are informed that father Persons received them into the Roman college with incivility, and soon expelled them from it with rudeness; that they then took their abode at an inn; that, at the head of a company of the pope's guards, father Persons, with a procureur-fiscal, made his appearance before them in the middle of the night preceding the feast day of St. Thomas of Canterbury; put them into a coach; conveyed them to the Roman college, confined them in separate rooms, so that during several months, they were not permitted to see each other, or to celebrate, or even to hear mass, father Persons himself locking them up in their rooms and keeping the key: that he obliged them, under a threat of excommunication, to deliver up to him all their papers; and that he frequently examined them on interroga-

* Dodd, vol. ii. p. 254. Both letters and translations of them are inserted at the beginning of Colleton's "Just Defence of the slandered Priests. 4to. 1602."

tories, father Titchbourne, another jesuit, acting as notary, and committing to paper all the questions put to them, and their answers.

In the mean time a considerable degree of agitation prevailed in England : a document in favour of the appointment, and rendering an honourable testimony to the jesuits, was circulated and numerous and respectably signed, and transmitted to Rome. Several publications appeared against the appellants ; one, composed by father Lyster, a jesuit, intituled " A Treatise on Schism," in which he attempted to fix that odious charge on them, obtained particular notice. These publications were highly indecent ; a regular appeal to Rome, like that of the appellants, might be groundless, might be frivolous, but could not, with any appearance of justice, be termed schismatical.

At length, however, the bull of the pope was issued : it was dated the 6th of April 1599* ; it fully recognized and sanctioned the letter of cardinal Cajetan, the appointment of the archpriest, and his acts ; declared the letter to have been valid from the first, and explicitly ordered it to be obeyed, and its regulations to be complied with. On the 21st of the same month, cardinal Cajetan and cardinal Borghese announced, by a letter to the archpriest †, that Mr. Bishop and Mr. Charnock, were released from their confinement, with an injunction

* Dodd, vol. ii. p. 264. Colleton's Defence, p. 106 ; with an English translation.

† Dodd, vol. ii. p. 255. Colleton's Defence, p. 98 ; with a translation.

under pain of suspension, to be incurred on the commission of the act, not to return to England, Scotland or Ireland. To England, however, they returned; with what permission or under what circumstances, is uncertain; but it is evident from subsequent occurrences, that they were not considered to have incurred, by their return, the penalty of suspension*. It is most probable that they obtained their release by the interest of cardinal du Perron, then ambassador at Rome from France, after they had obtained an audience of his holiness, in which they stated all the motives of their conduct.

In the mean time, the archpriest had increased the ferment, by threatening Mush, and a Mr. Colleton, one of the appellants, and a person singularly respected, with suspension: they stated their case to the faculty of divines of the university of Paris,—and it was determined, by the unanimous opinion of the faculty, that the priests were not schismatics, and had not sinned, by refusing to subscribe to the authority of the archpriest. Upon this, the archpriest issued an angry decree, forbidding

* Racine's Hist. Ecclesiast. tom. xiii. p. 608.—The cardinal himself mentions his having spoken with the pope on the concerns of the English mission: “ Je lui communiquois aussi sur “ le propos des affaires d'Angleterre, d'eteindre la division qui “ est entre les catholiques Anglois: les uns obeissant à l'archiprêtre gouverné par les jésuites, et les autres appellant de la “ puissance maladministrée de l'archiprêtre; d'autant que “ la partie des jésuites en ce pays là depend de Personius et “ autres instrumens de la faction d'Espagne.”—*Mémoires et Négotiations du cardinal du Perron.* Paris, p. 403.

every person, ecclesiastic or lay, to defend, by word of mouth, or in writing, the sentence of the university, under pain of interdiction. He afterwards suspended both Mush and Colleton*. These proceedings of the archpriest cannot be justified, on any ground of form, of prudence, or of charity.

They were the more objectionable, as the conduct of the whole clergy, and particularly the conduct of the appellants, was exemplary. The appointment of the archpriest, and the regulations which attended it, were, as we have seen, most repugnant to their feelings; but no sooner did the bull of the pope arrive, than they submitted to it without any limitation. Thus the time was come, when every thing unpleasant, which had taken place in the contest, should have been buried in oblivion, and the only rivalry between the parties, should have been, who should best promote good humour. The reverse unfortunately happened: it was contended that the actual submission of the appellants did not undo or atone for the criminality of their former appeal: and, on this ground, the archpriest and his adherents continued to treat them as schismatics. This, the calumniated priests could not endure in patience. On the 17th of November 1600, thirty-two of them presented to the archpriest a letter subscribed by them †, in which, after mentioning the grievances, under which they laboured, and an increase of them which they apprehended,

* Dodd, vol. ii. p. 256, 257. Colleton's Defence, p. 145, 197, 225.

† Dodd, vol. ii. p. 258. Colleton's Defence, p. 1002.

they appealed in form from him to the holy see,—praying, at the same time the apostoli, or demiserial letter, allowing them to prosecute the appeal;—“And,” say the appellants, “we make this appeal in our own names, and in the names both of the clergy and the laity; of which latter, there are many hundreds, whose names, for just causes, are concealed, that adhere unto us.”

The appellants transmitted the appeal to Rome. The pope received it with kindness; and, in consequence of it, addressed to the archpriest a brief, dated the 17th of August 1601, in the form of a letter*, in which he gives a succinct and impartial account of the contentions, which had occasioned the appointment of the archpriest, and to which that appointment had given rise. His holiness notices with disapprobation, father Lyster's Treatise on Schism, and an answer of the archpriest, who, when the appellant clergy had complained to him of that work, replied—(“which,” says his holiness, “we repeat with sorrow,”) †,—“that he thought them schismatics;” on which, says the pope, the troubles again burst forth.—The pope then notices the appeal, and declares that he had read and considered it.—He proceeds to confirm the archpriest in his appointment, and the powers attached to it; but admonishes him, that he was elevated to the rank which had been conferred on him, for the purpose of edification, not of destruction; and recommends to him to temper severity with mildness,

* Dodd, vol. ii. p. 259.

† Quod dolentes referemus.

to be the father more than the commander of the flock, to be slow in condemning, and to stop the publication of libels : he suppresses the *Treatise on Schism*, and all the other publications to which the controversy had given rise. He exhorts all parties; in beautiful and affecting terms, to a general oblivion of offence, and a constant interchange of good offices,—and imposes silence on all.—He declines to admit the appeal, as the admission of it would, he says, produce perpetual contention.

This excellent letter did not entirely pacify the troubles. The clergy sent a third deputation to Rome. It produced a second letter from the pope to the archpriest, in the form of a brief, dated the 6th of October, 1602*. His holiness observes to the archpriest, that sometimes, in the discharge of his office, he had exceeded his powers ; that these were only to be exercised over the seminary priests, and did not extend over the laity ; he blames him for proceeding by suspension and censures against the appellant priests ; he declares that they had never lost their faculties by their proceedings. His holiness then, in virtue of his apostolical authority commands him, by holy obedience, to communicate no business of his office to the provincial of the society of Jesus, or to any members of the society in England :—lest it should be a cause of animosity and discord between the society and the appellants ; and with the same view, he revokes the contrary injunctions given by cardinal Cajetan.—He enjoins the archpriest to have no communica-

* Dodd, vol. ii. p. 262.

tion with the jesuits at Rome, respecting the English mission, or the concerns of his office.—But he observes that this injunction did not proceed from an unfavourable opinion of the society, whose zeal and piety he warmly commends ; but for the sake of preserving peace and harmony, which, the jesuits themselves, he says, thought it would promote.—Carrying this amiable spirit of conciliation still further, he provided, that, on the death of the three assistants, who should first depart this life, the archpriest should supply the vacancies from the appellants.—He directs future appeals to be made to the cardinal protector, and orders the archpriest to transmit them to him. Publications for or against the jesuits, for or against the appellants, and every other publication of that description, without license from the cardinal, he prohibits under pain of excommunication. “ By the mercies of God and his
“ Son, we implore you to love one another ; to take
“ offence at none, to render to none evil for evil,
“ lest it should bring your ministry into contempt :
“ to do good to all ; and to do it both before God
“ and man, that, at length, with the help of God,
“ who is true peace and charity, you may reap with
“ gladness the fruits of your hard labourings in
“ danger and dismay ;—this we, with the whole
“ church, expect from you.”

Thus, in a manner highly honourable to the appellant priests, and to those, who acted or thought with them, the matters in dispute were settled by papal authority. Applications however to Rome for a bishop were still made. It appears, by a letter

of father Augustine, prior of the English benedictine monks at Douay, written in 1607*, that two clergymen, soliciting the appointment of bishops, were then at Rome. The pious father discusses, with much good sense and discrimination of character, two important questions,—whether bishops for the English mission were necessary; and, supposing the appointment necessary, on whom it should fall. To the first question, he answers in the affirmative, but with a salvo, that the person appointed should be acceptable, or at least not obnoxious to the party which favoured, or the party which opposed the jesuits.—In answer to the second question he mentions Dr. Kellison, Dr. Smith, and some others as persons excellently qualified for the office. Paul V. filled at this time the papal chair: he rejected the application.

Blackwell having held the dignity of archpriest during ten years, was deposed in 1608, chiefly, it is supposed, for his advocacy of the oath of allegiance, proposed by James I. On his decease, the same title and jurisdiction were conferred on Mr. George Birkett, a clergyman of wise and moderate councils, and of conciliating manners; “studious,” says Dodd, “of the reputation of the clergy, yet not inclinable to lessen that of others.” He died in 1614; and Dr. Harrison, by an instrument dated the 11th of July 1615, was substituted in his place. From a manuscript, which belonged to the late Dr. Macro of Cambridge, it appears, that, by a formal injunction, Dr. Harrison

* In the Clarendon State Papers.

forbade his clergy "to go to plays, acted by common players in common stages, under pain of being deprived *ipso facto* of their faculties." Against this injunction three priests of the names of Like, Thules and Canon protested: Dr. Harrison justified his proceeding by a long and well-written letter.—He mentions in it, that from tenderness for the three priests, he had made the inhibition general; but that, in fact, it had been particularly occasioned by them, as they were the only clergymen, under his jurisdiction, who frequented stage entertainments.

The form of government by an archpriest still was unpleasant to the seculars. It is not within our object to enter into a more than necessary detail of the little feuds, the jealousies d'amitié,—(for the writer wishes to believe them nothing more),—which, in almost every stage of their history since the reformation, have distracted the councils of the English catholics, and weakened their efforts to obtain relief. Even when the wicked quarrel, it is an object of pain to the truly good man; but, when animosities and dissensions arise among the virtuous and the holy, who does not wish the agitation terminated and forgotten? who does not wish the arrival "of the reign of heavenly love, where," to use the words of Fénelon, "there will be no error, no division, no scandal; where we shall breathe the pure love of God, and he will communicate to us, his everlasting peace *?"

* "I protest," says Fuller, (Church History, book ix. p. 224), "though uncertain to find belief, that I take no delight, in relating these discontents between the secular

LIII. 2.

Appointment of a Vicar Apostolic.

PERCEIVING the universal wish of the clergy, for episcopal government, Dr. Harrison with his twelve assistants, signed a petition for it to Rome, and Rome approved the proposal. It remained to settle what form of episcopacy should be established.

The canons of the church require, that no bishop shall be ordained, unless the flock of the place, for which he is ordained bishop, is committed to his care; and that his jurisdiction shall be confined to that precinct. At the consecration of every bishop the officiating prelate puts the gospel into his hands,—and says,—“receive the gospel—and go! preach it to the people committed to thy care! for powerful is God, to increase his grace on thee!”

But the calamities of christendom made frequent infractions of this rule necessary. The irruptions of the barbarians, and particularly the conquests of

“and regular priests, much less shall my pen widen the wound between them; for though I approve the opinions of neither, yet am I so much a friend to the persons of both parties, as not to make much to myself of their discords: the rather because no christian can heartily laugh at the factions of his fiercest enemies, because that, at the same time, paineth him with the sad remembrance that such divisions have formerly, at the present, or may hereafter be among those of his own profession: such is the frailty of human nature on what side soever.”—A generous sentiment and a just observation!

the Saracens, in the eleventh and twelfth centuries, disturbed the economy of many dioceses, and confounded the limits of ecclesiastical jurisdiction. It was often difficult, and sometimes impossible to appoint new sees with regular pastors. To supply the want of them, the see of Rome adopted the following plan :—a person was consecrated the bishop of a place, which had once been an episcopal see ; but which, in consequence of the dispersion, the heresy, or the schism of the flock, had ceased to be the residence of a bishop. The person, thus consecrated, was delegated by the pope to exercise episcopal functions in some place, where a prelate was wanted ; but which had not its regular bishop. The bishops, thus appointed, are called titular, from their having the name,—and nothing more than the name of the church, to which they were ostensibly appointed ; they are also called vicars apostolic, because their power, in respect to the territory, over which it is to be really exercised, is wholly vicarial, being delegated to them by the holy see,—and held at its pleasure. Such an institution is dissonant from the general spirit of church discipline ; but, what necessity requires, necessity excuses ;—Van Espen * admits, that “ where necessity calls for it, a resort “ to this institution is proper and salutary.”

In February 1623, Dr. Bishop was declared bishop-elect of Chalcedon ; in the following month, a bull issued for his consecration ; it was followed almost immediately by a brief, conferring on him episcopal jurisdiction over the catholics of England

* *Jus Ecclesiasticum Universum*, par. i. tit. xv. ch. iv.

and Scotland. "When thou shalt be arrived," says the brief, "in those kingdoms, we give thee license, *ad nostrum et sedis apostolicæ bene placitum*, at the good-will of ourselves and our successors in the holy see, freely and lawfully to enjoy and use all and each of those faculties, committed by our predecessors to the archpriests, as also such as ordinaries enjoy and exercise, in their cities and dioceses." Thus, Dr. Bishop, had ordinary jurisdiction over the catholics of England and Scotland; but revocable at the pleasure of the pope:—in the language of curialists, he was vicar-apostolic, with ordinary jurisdiction. In exercise of his powers, he instituted a dean and a chapter, as a standing council for his own assistance, with power, during a vacancy of the see, to exercise episcopal ordinary jurisdiction, professing, at the same time, that, "what defect might be in his own power, he would supplicate his holiness to make good, from the plenitude of his own."

Universally respected and beloved, he died in April 1624; and Dr. Richard Smith was appointed his successor, with the same powers, though expressed in language, seemingly different.

From several letters published by Dodd*, it appears that the instrument, by which Mr. Birkett was appointed archpriest, did not contain the injunction imposed on Mr. Blackwell his predecessor, to abstain from communicating respecting the matters of his government with the members of the society of Jesus; but that, from the first, this

* Vol. ii. p. 483.

injunction was implied, and that an express order to this effect was afterwards issued. One of the last acts of the life of Mr. Birkett was, to address the following letter, dated the 3d of September 1614, "to the English jesuits in general." We shall immediately present it to our readers: and afterwards insert three letters, which father Persons wrote with his dying hand:—one to Mr. Birkett, may be considered as a reply to this letter.

"Very rev. F. F.

"The great desire I have had, since my first
"calling by his holiness to this place, to keep unity
"and peace amongst the labourers of this vineyard,
"besides the testimony of my conscience, the
"effects, that have followed my endeavours, are
"good witnesses to the same. What difference
"I found, at my first entry, between your fathers,
"who labour with us, and the chiefest and most
"sufficient priests, as I have found by experience
"of my own body, I would rather in silence they
"were wrapt up, never to be thought of, than by
"unfolding of them, to bring that into memory,
"which will not be so easily forgotten. It resteth
"now only, on my part, who, wearied with age,
"and sore weakened with sickness, as that I am
"ready to take my last farewell, that nothing should
"be moved, or said by me which did not altogether
"tend to the glory of God, and good of our country:
"which, in few words (my weakness considered,
"being not able to use many), is, to entreat, that
"you would lovingly concur, and charitably help
"the clergy of this kingdom; for whose assistance

“ you were first sent into this harvest. I know
 “ your profession is honourable in God’s church ;
 “ your labours against heresy and sin commendable :
 “ but if peace and charity guide not your endeavours,
 “ we labour in vain ; and all will perish, and come
 “ to destruction and ruin, that we have undertaken.
 “ I have dealt with the chiefest of my own, who,
 “ I know, you have held in greater jealousy, than
 “ there is cause. And to deal plainly, and sincerely
 “ with you, I find them most ready to give you that
 “ correspondence, which is necessary you should give
 “ one another, who travel in so holy a work. They
 “ only desire, that in their government you meddle
 “ no further, than they do in yours: withal, that you
 “ oppose not yourselves in any suit they propose
 “ to the chief pastor, for the good of their own
 “ body ; especially in matters of superiority, which
 “ canonically belongeth to their vocation. This
 “ being done, there will be no occasion, but that
 “ you will friendly and charitably set forward this
 “ great work, you have undertaken. For my own
 “ part, I wish you all as well as I do my own heart :
 “ therefore with all indifferency entreat, you would
 “ keep amongst you this holy league. It is the will
 “ of the chief pastor : it is desired by all mine ; and
 “ I hope, will be accomplished of all parts. Sweet
 “ Jesus keep you ; to whom desiring you would
 “ remember my poor soul, I rest from my bed,
 “ your b. in all charity and love.

“ *George Birkett, archp.*”

“ 3 April, 1614.”

LIII. 3.

The Death of father Persons.

FATHER MORE thus respectfully leads this eminent personage to the close of his life.

“ We have seen, in the cases of Baldwin, Gerard
 “ and others, that false accusations of them reached
 “ Belgium; and what false accusations of Persons
 “ reached Rome. Pope Clement already had conferred with Aquaviva the general, about the
 “ removal of Persons; but he, foreseeing the result,
 “ went, on the plea of ill health, to Naples, never
 “ again to return till after the death of Clement.
 “ He spent the remainder of his years in writing
 “ books; and many adapted to those times, were
 “ published by him: as ‘ *Questiones duæ de Sacris*
 “ *alienis non aduendis,*’ in which he made use of
 “ nearly the same argument as he had done in his
 “ Consolatory Epistle, which he had written in
 “ English, twenty years before:—‘ A Treatise on
 “ Equivocation;’ on ‘ Mitigation of the Penal Laws
 “ against Catholics:’ some works against sir Edward
 “ Coke, Barlow, and other persons; in which, by
 “ establishing the dogmata of faith, he repelled
 “ heresies. Thus, he made the years of his life
 “ shorter than was desired. In the year 1610, he
 “ had gone through half the Lent in the strict
 “ observance of the precept of fast, when he was
 “ seized with a violent fever. In a few days he
 “ was brought to the extremity; he assuaged his
 “ sufferings by frequent pious meditation on the
 “ passion of Christ.

“ Pope Paul, as soon as he heard of his situation,
“ granted him those indulgencies, which it is cus-
“ tomary to send to cardinals, in their last moments.
“ Aquaviva, the general of the society, and the
“ chief fathers in Rome, crowded to see him.
“ Four days before his decease, he dictated three
“ letters :—one, of thanks, to Blaise bishop of St.
“ Omer’s ; another, of exhortation, to the members
“ of our society in England ; and a third, to
“ Birkett, who had succeeded the archpriest Black-
“ well. The letter to the members of our society
“ was of this tenor :—

“ ‘ My reverend and dear fathers and brothers,
“ whom it has pleased God to call and unite in
“ this mission of our society for the conversion
“ and comfort of our miserable country Eng-
“ land, and the government of whom, during
“ so many years the very reverend father-gene-
“ ral has thought proper to commit to me !

“ ‘ Now, that by the Divine will, I am about, as
“ I hope, to lay down this charge, together with
“ this mortal life, I cannot forbear bidding you all
“ in this epistle,—farewell :—and in the first place,
“ to commend myself and the repose of my soul to
“ God in your prayers.—Then,—love one another,
“ the only mark of true disciples and followers of
“ Christ, which I wish may be kept inviolate,
“ according to the spirit of our society ; that is,
“ that each one should consider himself below the
“ rest ; that, he always prefer in his heart others to
“ himself ; and make his outward conduct, as far

“ as lies in his power, correspond with this precept :
 “ doing all things to the honour and glory of God,
 “ and the comfort of you all. For, acting thus, all
 “ of you, as I trust in the Lord, will happily finish
 “ your course, in obedience to God in this life ;
 “ and hereafter, through the merits of the passion
 “ of Christ, we shall meet together in a glorious and
 “ everlasting resurrection.—Dated from the bed of
 “ sickness in the English college at Rome, on the
 “ vigil of our Lord’s resurrection, in the year 1610.

“ Wholly and always yours,

“ *Robert Persons.*”

“ To the archpriest he addressed himself as follows :

“ ‘ Most rev. sir and dear friend !

“ ‘ Shortly, as I hope, am I about to close this life,
 “ and to go to Christ my Saviour. In this my
 “ last agony, can I forget you ! or fail to dictate in
 “ writing my last farewell to you, your assistants,
 “ and all the rest under you, as a pledge of charity,
 “ and of the perfect love, in Jesus Christ, which
 “ I bear, and have always borne to you, and all of
 “ them ! And I declare that I now leave the world
 “ in the same sentiments, with which I have ever
 “ been animated, of love, peace, and union of all
 “ of you, among yourselves, and with all our
 “ fathers : and that never, as far as I know, or can
 “ conceive, has there been on our part any desire
 “ for superiority over you, or over any one of you ;
 “ but a cordial co-operation for the advantage and
 “ increase of the catholic faith, according to the
 “ duties of our institution :—which co-operation

“ between you and our fathers, I hope may always
“ subsist in the bowels of Christ, for the greater
“ honour and glory of God. To his keeping, and
“ in the same spirit of charity, and in these same
“ sentiments, which fill my mind, so I recommend
“ you, and all my dear brothers committed to your
“ care ; with whom joining in prayer, I beseech
“ our sweet Saviour, that, by the merits of his
“ most bitter passion, he would give us a glorious
“ resurrection. Farewell in Christ Jesus!—Given
“ from the bed of sickness, in the English college
“ at Rome, on the vigil of our Lord’s resurrection,
“ in the year 1610.

“ Lastly, he wrote to the bishop of St. Omer’s,
“ in these words :—

“ Most reverend, and by me deservedly
“ respected lord!

“ ‘ Although I have reached the term, prescribed
“ to all men,—death,—which, as I hope, will yield
“ my soul, freed from the earthly bond, to its
“ Redeemer, when I shall see the good things of the
“ Lord in the land of the living ; yet, in the mean-
“ time, whilst breath is allowed me on the bed of
“ sickness, the more frequently do I recal to mind
“ the services of so great a benefactor, by which he
“ has shewn his affection to the much-afflicted cause
“ of England, and helped and forwarded our mis-
“ sion in that harvest. It is to testify how much
“ he has bound me to him for these singular favours,
“ that I have wished to leave this last written proof
“ behind me ; and now, dying, to repeat once more,

“ those acknowledgments, which, whilst living,
 “ I have often made, earnestly beseeching him
 “ that as he has begun, so he will finish, nor leave
 “ orphans those, whom his paternal love has already
 “ made his adopted children. Farewell most re-
 “ vered and most beloved bishop and father of the
 “ English!—May God grant you a long life! and,
 “ after your course is done, give you a crown of
 “ righteousness, reserved for you in his heavenly
 “ kingdom; whither when I shall have arrived,
 “ I shall not be unmindful of Blaise. I wish the
 “ reverend father Schondomckin and those with
 “ him to receive the warmest salutations, which I
 “ am not able to convey to him myself. Great
 “ is the charge entrusted to him of instructing our
 “ youth; let him therefore strenuously, as hitherto,
 “ defend his Sparta*. I can no more,—for my
 “ time is near, and I desire to be dissolved and to
 “ be with Christ. I recommend myself to the
 “ sacrifices of your most reverend lordship; also
 “ to the prayers of our fathers in the college;
 “ whom, from my soul, I salute; and the prayers
 “ of all the scholars, on whom I eagerly pray God
 “ to pour out every blessing. Again and ever
 “ farewell most reverend Blaise!—From my bed,
 “ 13th April 1610.

“ Your most reverend lordship’s

“ most bounden servant in Christ,

“ *Robert Persons.*”

* Alluding to the Latin expression “ Spartam quam nactus
 “ sis, orna.”

“ * He lived until the following Wednesday.
 “ Thomas Owen, who succeeded him as rector and
 “ prefect, testifies, that though his sickness was
 “ short, he yet delivered in writing to the general
 “ Aquaviva his sentiments on the future conduct of
 “ the mission. The general gave permission that
 “ the body, when embalmed, should be placed on
 “ the right side of cardinal Allen, in the English
 “ sepulchre, with a fair epitaph which may be seen
 “ in our historian, father Alégambe†.

“ It is certain, that how great soever were his
 “ talents and activity in business, he always cherished
 “ a perfect and solid virtue, and maintained it
 “ throughout his life. Thus, as among philosophers,
 “ the founder of any system is the rule and standard
 “ for the rest, so this man may justly be held forth
 “ for imitation, as a model under God, of those
 “ virtues, which are wanted in one qualified for
 “ such a mission as this :—as to be eminently cir-
 “ cumspect and courageous, patient in expectation,
 “ bold in action.—He had a great horror of violent
 “ and hasty proceedings. He strove to convince,
 “ first by argument ; and after he had removed the
 “ difficulty, he then suggested the means, by which
 “ what he recommended might be effected. Infinite
 “ were his dealings with popes, kings, cardinals
 “ and princes, sometimes by word of mouth, some-
 “ times in writing ; in both of which his eloquence
 “ was equally successful. The lowly were never

* Mori, Hist. p. 386.

† It is also inserted in father Huntley's " Modest Defence."

“despised by him ; he was benevolent to all, and
“beneficent, whenever it was in his power. Wit-
“ness the number of captives in the ports of his
“catholic majesty, who, by his intercession, received
“their liberty ; and whom, during forty years, he
“assisted with his advice and alms. In the midst
“of these occupations, he found time for writing
“either to enkindle piety in the minds of catho-
“lics, or to expose the deceits and delusions of
“heretics. In each, he excelled ; so nicely and
“justly balancing his words, as quite to delight a
“reader of his own party, and not to wound his
“adversary too sensibly.—He was of great use in
“quieting and restraining the unsettled tempers of
“the scholars, who, under former masters, had been
“often rebellious. By the dignity of his deport-
“ment and the efficacy of his discourses command-
“ing respect, excluding with the utmost care the
“approach of known and troublesome characters ;
“and, what was the chief thing, upholding in every
“action, virtue and a true zeal of God ; and
“instilling, by every means, the same virtuous
“spirit like oil, from a lamp, into the susceptible
“minds of the youth. With what ardour he burned
“to restore the faith of this island ; with what
“confidence in God he advanced the undertaking ;
“and by what charity towards all men, he was dis-
“tinguished, are seen not only in the many books,
“which he wrote, and the many journeys, which
“he took in every direction by sea and land ; but
“in the many seminaries, which he founded and

“ established for the purpose ; and without which ;
“ beyond all doubt, the ancient clergy being taken
“ off by age, religion would have failed.

“ In all these affairs, he seemed the more worthy
“ of imitation, and the more to be admired, because
“ he never suffered private interest for himself or
“ his relations to affect him ; but entirely renounced
“ all advantages and honours. He always had, in
“ his mouth, that sentence of the apostle,—whilst
“ we have time, let us do good ; for if we do not
“ fail, we shall in due time reap. Therefore he
“ neglected nothing which he conceived calculated
“ to spread the catholic faith ; and, having once
“ deliberately undertaken his measures, he was not
“ easily brought to despair of success, persuaded
“ that the bounty of God would supply the means
“ necessary for the foundation of the work. And
“ truly those, who saw the flower of youth so
“ abundant in the Spanish seminaries, and that, for
“ many years, there were fifty and sixty in Val-
“ ladolid, and nearly the same number in Seville
“ and the Roman college, could not but observe
“ with veneration, the activity of this man, the in-
“ fluence he possessed over persons of distinction,
“ and chiefly his confidence in God, by which he
“ did not doubt the minds of men would be moved
“ to support such necessary establishments. It was
“ this confidence, which, enlarging itself in his latter
“ years, to the extension of the society, produced
“ the houses of Louvaine and Watten. Having lived
“ to see these happy beginnings, he was called to
“ reap the fruit of his harvest in heaven. He was

“carried off by a short illness of nine days; so severe, that, on the fourth of them, the physician pronounced his death to be approaching, nor did he think otherwise from the first moment of his being taken ill; and, being fortified against it by pious reflections and the sacraments of the church, and suggesting whatever appeared to him best for the proper management and promotion of the mission, he departed this life on the 15th April 1610, in the sixty-fifth year of his age, and twenty-third of his profession.”

Such is the character given by a friend,—a brother too in religion,—of father Persons, while his ashes still retained their wonted fires, and admiration and kindness were yet warm. A plainer tale will detract nothing from what it expresses of his intellectual endowments, his energy, his activity, or his pious zeal: it will allow that the advancement of the catholic religion was the ultimate end and aim of his being; and will suggest that, before we pronounce an absolute censure on the means for accomplishing it, to which he sometimes resorted, we should reflect that he acted according to maxims professed by a multitude of respectable persons in the times in which he lived, and to principles of many, to whom the catholic public then looked up with veneration; and that, if on some occasions he sought to advance his own brethren too much at the expense of others, it should be considered that this was a natural and not an unamiable weakness,—the last infirmity of a holy mind.—Cardinal Allen is reported to have said of him,—“that his industry, his

“prudence, his talents for writing and acting, ex-
“ceeded all belief*.”

* Juvençi, Hist. lib. xiii. p. 188.—Many of the works of father Persons have been noticed in the course of these Memoirs.—At this time, the most interesting of them are, 1. His “Christian Directory,” which has been repeatedly published. 2. His “Treatise on the Three Conversions of England.” 3. His “Examination of Fox’s Calendar,” in two parts, both of which, but the last particularly, have become exceedingly scarce. “Fox’s Acts and Monuments,” says Mr. Alban Butler, in his postscript to his first Letter on Bower’s History of the Popes, “no sooner appeared but the catholics called it “a dunghill of lies. (Doctor Harding in his Refutation of “the Apology, page 348.) The learned Richard Rawlinson, “L.L.D. & F.R.S. in The New Method of Studying History, “tom. ii. in the Catalogue of Historians, p. 48, says of this “work: ‘The turn the author was biassed by, which is very “evident in the whole work, has given good reason to suspect “his honesty as well as his capacity. In troublesome and “noisy times, this author’s reputation began to rise so high “as to procure his work a post in the parochial churches “almost equal to that of the holy scriptures. But when some “of his martyrs appeared alive to confront their register, the “book was suppressed, new modelled, and came out in a “larger, though somewhat more modest dress, with a thinner “red-lettered calendar.’—To complete the character of that “author and his work, I refer you,” continues Mr. Alban Butler, “to the account which our most indefatigable “historian and antiquary Mr. Hearne has given of both.”

LIII. 4.

English Benedictine Monks,—Friars,—College at Lisbon.

SOME English catholics, whom the religious troubles of the times had driven to Italy and Spain, having entered among the *Benedictine Monks* in some of the monasteries of that order in Italy and Spain, an application was made to Clement VIII. in 1603, to erect an *English mission of Benedictines*. With the permission of his holiness, this was accordingly done; and some religious of the two congregations of Monté-Casino and Valladolid, were sent for this purpose to England, to act in concert, but as different congregations. Father Augustine of St. John, first vicar-general of the Spanish mission, afterwards procured the establishment of two houses for the English benedictine missionaries, one at Douay, the other at Dieulewart in Lorraine.

Father Bulkeley was, at this time, the only survivor of the ancient benedictines of England: he had been professed in the abbey of Westminster. In 1607, he received into the order some new members, to form an English benedictine congregation. The proceeding was approved by the general chapter of the congregation of Monté-Casino in 1608, and confirmed by Paul V. in the following year. The economy of this new establishment was settled in 1616, by the same pope; and finally by Urban VIII. in 1637.

All the ancient religious of *the order of St. Francis* in England, having become extinct, it was revived in 1617 by Mr. John Gennings, a clergyman, educated in the college of the secular English college at Douay ; he established a small convent of Franciscan friars in that town. The number of them increasing, a bull from Rome formed them into a distinct and independent body, and nominated father Gennings for their first provincial.

About the same time a college for the education of English secular clergy to serve on the English mission was established at *Lisbon*, by the munificence of Don Pedro Coutinto, a Portuguese merchant, who expended 5,000 crowns of gold in erecting the establishment, and endowed it with an annual pension of 500 like crowns.

Here our account of the concerns of the English catholics during the reign of James I. properly closes. Some circumstances in it, with which their history is particularly connected, as the rise of the puritans into political consequence, the negotiations for the marriage of prince Charles, first with the infanta of Spain, and afterwards with the princess royal of France, will be mentioned in our account of the catholics during the following reign.

APPENDIX.

NOTE I.—(noticed in page 147.)

Council of Trent.

THE assembling of a general council to compose the actual differences of religious opinion which took place towards the beginning of the sixteenth century, was first seriously agitated during the pontificate of Clement VII. But the council did not meet till 1545, the eleventh year of the pontificate of his successor, when it was opened at Trent, on the 13th of December. The matters for the discussion of the assembly were proposed by the legates of the holy see; then considered, first in separate, and afterwards in full congregations; and finally decreed at the sittings of the council.

Little was done in the three first sessions; but, in the four subsequent sessions, the points respecting the Canon of the Holy Books, Original Sin, Free Will, Justification, the Sacraments in general, and Baptism and Confirmation in particular, were decided. An epidemical disorder breaking out at Trent, the council, at its eighth session, translated itself to Bologna. The ninth and tenth sessions were held in that city; but nothing was decided in either; and the pope, being then very aged and infirm, suspended its proceedings. He died in 1549.

With infinite difficulty, Julius III. the immediate successor of Paul, effected the second opening of the council

on the 1st of May 1551. The eleventh, twelfth, thirteenth, fourteenth, and fifteenth sessions were held during his pontificate. The two first of these sessions were employed in preparatory proceedings. In the fourteenth and fifteenth, the council propounded the catholic doctrine on the Eucharist, Penance, and Extreme Unction. At the fifteenth, the protestants were invited to the assembly with an offer of safe conduct. At the sixteenth, the council again broke up, in consequence of the war in Germany.

Julius III. died in 1555. He was succeeded by Marcellus II. The pontificate of Marcellus lasted only one month, and he was succeeded by Paul IV, of the illustrious house of Caraffa, the dean of the sacred college.—Much was expected from him ; but, in 1559, he died, without having re-assembled the council. The cardinal de Medicis, by whom he was succeeded, under the name of Pius IV, exerted himself with success, in effecting a third re-assembly of the council, and bringing it to a conclusion. By an uncommon union of prudence, zeal and moderation, he effected his object, and the third opening of the council took place on the 18th day of January 1562. On that day, the seventeenth sessions of the council met ; and it was attended by several cardinals and 102 bishops. On the eighteenth the Censure of Heretics was discussed, and a safe conduct granted to protestants. Nothing was decided at the eighteenth and nineteenth sessions. At the twenty-first, the council decided on the question respecting Communion under both kinds ; at the twenty-second, on the Sacrifice of the Mass ; at the twenty-third and twenty-fourth, on the Sacraments of Holy Orders and Matrimony ; and on the twenty-fifth, on Purgatory, Devotion to Holy Images, the Invocation of Saints, and Indulgences.

Here, the council closed. Its decrees were signed by

two hundred and fifty-five fathers; four of these were legates of the holy see; two, cardinals; three, patriarchs; twenty-five, archbishops; one hundred and sixty-eight, bishops; thirty-nine, deputies of absent prelates; seven, abbots; and seven were generals of religious orders. It was subscribed on separate schedules, by the ambassadors of the catholic sovereigns.

It was earnestly wished by the pope and the roman-catholic states, that the protestant princes, and their divines, should attend the council; but they insisted on a deliberative voice: this, the council uniformly refused. On this point the negotiation between them unfortunately failed; and, in a consistory, held on the 26th of January 1564, the pope, having taken, in the usual form, the advice of the cardinals, confirmed the proceedings of the council. He died in the following year, and was succeeded by Pius V.

That a considerable proportion of the prelates by whom the council was attended, were distinguished by learning, virtue, and enlightened zeal for religion, has never been denied. Perhaps no civil or religious meeting ever possessed a greater assemblage of moral, religious, and intellectual endowment.

Under the different atmospheres of Venice and Rome, the History of the Council of Trent has been written by the celebrated Fra. Paolo, (the translation of whose work, with notes, by Dr. Courayer, is more valued than the original), and by cardinal Pallavicini, a jesuit. The cardinal does not dissemble, that some of the deliberations of the council were attended with intrigues and passion; and that their effects were visible in various incidents of the council: but he contends, that there was an unanimity in all points, which related to doctrine, or the reformation of manners: and Dr. Courayer, in the preface to his translation, concedes, "that, in what regarded discipline, several excellent regula-

" tions were made, according to the ancient spirit of the church;" and observes, that, " though all the disorders were not reformed by the council, yet, if we set aside prejudice, we may with truth acknowledge, that these were infinitely less than they were before." Leibnitz *, in a letter to the dutchess of Brunswick, observes, that " most of the decisions of the council had been formed with great wisdom, and that he was far from despising them." The classical purity, and severe simplicity of the style, in which the decrees of the council are expressed, are universally admired; and are greatly superior to the language of any part of Justinian's law.

In what concerns faith or morals, the decrees of the council have been received without any restriction, by every roman-catholic kingdom: all its decrees have been received by the empire, Portugal, the Venetians, and the duke of Savoy, without an express limitation. They have been received by the Spaniards, Neapolitans, and Sicilians, with a caution, as to such points of discipline, as might be derogatory to their respective sovereignties. But the council was never published in France. No attempt was made to introduce it into England. Pope Pius IV. sent the acts of the council to Mary queen of Scots, with a letter, dated the 13th of June 1564, urging her to have the decrees of the council published in her dominions; but nothing appears to have been done in consequence of it *.

The canons and decrees of the councils, with the title, "*Canones et Decreta Concilii Tridentini*," were published at Rome twice in the year 1564, in one volume folio, and have since been re-printed in every form. Both the editions of 1564 are great typogra-

* Bausset's *Vie de Bossuet*, vol. iv. p. 241.

† See *Histoire de la Reception du Concile de Trente*, dans les différens Etats Catholiques, Paris, 2 vol. 8vo. 1766.

phical curiosities, but the first of them is incomparably the greatest.

The acts of the council were deposited in the Vatican, and were removed by the order of Bonaparte to Paris, where they were deposited in the Hotel de Soubize : a French gentleman, who examined them, gives the following account of them.

“ Notice des Actes originaux du Concile de
“ Trente.

“ Les actes originaux du concile de Trente, ci-devant
“ conservés dans le château St. Ange, et actuellement
“ déposés aux archives impériales, forment sept vo-
“ lumes, petit in folio, reliés en basane rouge, la plupart
“ de 600 à 700 feuillets, c’est à dire, 1200 à 1400 pages.

“ Les trois premiers renferment les sections tenues
“ sous Paul III, y compris ce qui a été fait à Boulogne,
“ et qui constitue un volume à part : le quatrième, les
“ sections tenues sous Jules III, et les trois derniers
“ des sections tenues sous Pie IV.

“ En tête du premier volume, on a collé deux mau-
“ vaises gravures, dont l’une est une carte topogra-
“ phique de la ville de Trente ; l’autre représente le
“ concile assemblé en congrégation générale. Elles
“ portent toutes les deux la date de Venise, 1563. Ces
“ gravures, qui se retrouvent en tête des sections
“ tenues sous Pie IV, peuvent donner quelque lumière
“ sur l’époque de la rédaction où mise au net des
“ actes mêmes.”

Vient en suite un morceau historique, intitulé : *Ordo celebrandi concilii generalis Tridentini sub Paulo III, Julio III, et Pio IV, summis pontificibus observatus* ; et dans lequel on trouve la manière de célébrer les sessions, de publier les décrets, de donner et recueillir les suffrages, l’ordre des séances, et cet *ordo* contient 23 feuillets.

Suit l’histoire des différentes indictions, des suspen-

sions, et des prorogations du concile, jusqu'à sa réunion effective dans la ville de Trente. On y fait le récit de la nomination des légats, de leur départ de Rome, de leur arrivée à Trente, et de celle des principaux prélats.

Chaque session est précédée des travaux préliminaires, qui ont eu lieu dans les différentes congrégations, et c'est ce qui occupe le plus d'espace. On y voit les matières soumises à l'examen du concile, les discussions qu'elles ont occasionnées, et les suffrages des pères, qui sont rapportés dans un grand détail. On y raconte aussi de tems à autre l'arrivée des ambassadeurs, leurs discours, leurs demandes, les réponses des légats, les brefs du pape, &c.

A la fin de chaque session pour l'ordinaire, mais toujours à la fin de chaque volume, est le certificat, mis en signe d'authenticité, par le secrétaire du concile, nommé Ange Massaret, qui a rempli cette fonction dans les trois tenues sous Paul III, Jules III, et Pie IV. Il étoit natif de San-Severino, dans la marche d'Ancône, et clerc du diocèse de Camerino en Toscane. Dans les deux premières tenues, il prend seulement la qualité de docteur en l'un et l'autre droit ; dans la troisième, il se qualifie évêque, episcopus Thelasinus. Pie IV. lui avoit conféré ce titre, apparemment *in partibus* pour le récompenser de ses services, peut-être pour lui donner plus d'importance ; sa souscription est ainsi conçue :

“ Ego Angelus Massaretus de Sancto-Severino Cameriniensis dioc. J. U. doctor et episcopus Thelasinus, sacri concilii secretarius, et protonotarius apostolicus, qui præmissis omnibus et singulis interfui et præsens fui, ac ea in notam sumpsi eaque omnia, dum gererentur adnotavi ; ideo ea ipsa omnia uti vere originalia et authentica manu propria scripsi, atque subscripsi, in fidem et testimonium præmissorum. *Puis une Croix.*”

A la suite de cette souscription, on trouve ordi-

nairement celle de deux notaires publics, apostoliques, et impériaux, qui se qualifient notaires du Saint Concile, et certifient, également la vérité du contenu. Mais il y a des endroits, où elle manque, comme dans la tenue sous Jules III.

Indépendamment des sept volumes, dont on vient de parler, il y en a deux qui sont des abrégés, mais des abrégés authentiques, et déclarés tels par la souscription du secrétaire.

Le premier représente les trois volumes de la tenue sous Paul III. L'abréviation consiste à retrancher les pièces superflues, et principalement à supprimer le détail des votes, dont on énonce seulement le résultat. Comme il n'a été fait rien d'utile à Boulogne, on se contente de rapporter les sessions et les décrets de prorogation, qui y furent publiés.

Le volume deuxième est un sommaire de la tenue sous Jules III. renfermée aussi, comme il a été dit, dans un seul volume ; mais cet autre, d'un format plus petit a environ un tiers de moins de feuillets : il paroît, que l'on s'étoit proposé de faire la même opération à l'égard de la tome troisième, cela résulte de certains volumes, qui se trouve aux archives, reliés en simple carton, et qui contiennent deux rédactions projetées par Massaret, l'une plus étendue, qu'il appelle *in primâ formâ*, l'autre plus courte, qu'il nomme *in secundâ formâ*. Il propose d'examiner laquelle des deux est préférable, et l'on voit aussi qu'alors, il étoit question d'imprimer. On n'a pas tardé à renoncer à cette dernière idée et l'on s'en est tenu à la première rédaction, c'est à dire, à la rédaction complète et étendue, estimant peut-être que l'autre rédaction l'abrégée seroit bien supplée par un dernier volume, la plus authentique de tous, et dont il nous reste à parler.

Ce volume de 477 feuillets contient uniquement les sessions tenues sous Paul III, Jules III, et Pie IV, sans les congrégations, qui font toute la longueur, mais aussi tout l'essentiel des actes.

Il est en parchemin, muni à chaque session de la souscription du secrétaire, et à la fin des signatures originales, tant des légats que de tous les pères du concile.

La souscription de Massaret est ainsi conçue. " Ego " Massarettus, --- a principio usque ad finem ipsius concilii, tam sub Paulo III, quam Julio III, et Pio IV. summis pontif. celebrati, semper ei interfui et prasens fui, " ac ea omnia, quæ in eo acta et gesta sunt adnotavi, et " in notam sumpsi: ideo in omnibus sessionibus supra " descriptis, prout etiam hac manu meâ propriâ subscripsi, in fidem et testimonium. Laus Deo, amen."

Il résulte de tout ce qu'on vient de voir, que ces actes du concile, rédigés par Massaret, ne sont point, à proprement parler, un procès verbal, tel qu'on le feroit aujourd'hui; c'est à dire, un rapport dressé au moment même de l'action ou immédiatement après; mais plutôt, une histoire composée à une assez grande distance, des faits d'après. Des notes, il est vrai, prises dans le tems, par un témoin présent, et, à ce qui paroît avec beaucoup d'exactitude, autant qu'on en peut juger, par les actes mêmes, ainsi que par un *diarium*, que l'on voit aux archives et sur le quel Massaret inscrivait jour par jour, tout ce que se faisoit au concile.

Ce qui contribue à diminuer la foi que peut mériter une pareille pièce, c'est, en premier lieu, qu'elle n'a jamais été soumise à la vérification des légitimes contradicteurs, c'est à dire, des pères du concile; qui devoient savoir mieux que personne, ce qui s'y étoit passé, et auxquels elle n'a jamais été lue, pour être approuvée par eux, ne l'ayant pas même été par les légats, présidens du concile, qui se sont contentés de certifier par un diplôme, que le secrétaire Massaret, ainsi que les deux notaires, étoient d'honnêtes gens et d'une réputation distinguée: " fuisse et esse bonos " et laudabilis vitæ et honestatis, ac celebris famæ " viros;" nous lisons cette attestation en tête du volume, qui contient ce qui s'est fait à Boulogne.

C'est en second lieu, que ces prétendus actes, que l'on se proposoit d'imprimer, non seulement n'ont pas été mis en fumière, et exposés aux regards du public, dans le tems où le souvenir, reçut des faits et la présence des témoins, pouvoient en garantir ou accuser la fidélité; mais ont été condamnés, dès leur naissance, aux plus profondes ténèbres; y sont restés ensévelis pendant 290 ans, et probablement n'en seraient jamais sortis, si un événement tout à fait extraordinaire, et auquel assurément on n'avoit pas lieu de s'attendre, ne les avoit remis sur la possession du public.

Toutes ces réflexions sont fondées, et comme il est certain que rien ne se faisoit à Trente qui n'eut été arrêté à Rome, et dont on ne rendit compte au pape immédiatement, je crois bien que tout homme, qui voudra connoître au vrai l'histoire du concile de Trente, aimera mieux la chercher dans la correspondance du pape avec les légats, et des légats avec le pape, qui se trouve également aux archives impériales avec beaucoup de pièces y relatives, que dans les actes de Massaret.

Néanmoins ces actes auront toujours leur mérite, pour rectifier une date, circonstançier un fait, et démêler une multitude de choses, qui tiennent à la vérité de l'histoire. Massaret paroît avoir été réellement un honnête homme, comme l'attestent les légats. Son travail porte le caractère d'une grande exactitude.

To ascertain the construction and operation of the canons of the council of Trent, Pope Pius IV, and St. Pius V. established a congregation of cardinals. It has subsisted since that time, and meets generally twice in every month. A collection of its sentences has recently been published by D. Zamboni, in 8 volumes 4to. at Rome, with the title, "Collectio Declarationum Congregationis Concilii Tridentini."

NOTE II.—(referred to in p. 171).

ABBE MANN'S ACCOUNT.

A Summary View of the English Religious Establishments on the Continent, under the Heads of the different Orders to which they belonged.

I.—*Secular Clergy.*

1. The English college of secular clergy at Douay, established anno 1568; removed to Rheims from 1578 to 1593, when it returned back to Douay.
2. The English college at Rome for the education of secular clergy, established in 1578.
3. A seminary at Valladolid in Spain, established for the same purpose about 1580.
4. College at Rome, about 1578.
5. A seminary at Seville, ditto.
6. A seminary at Madrid, ditto.
7. The English seminary at Paris, founded about the year 1600.
8. The English college at Lisbon, founded 1622.
9. A school for boys of the lower classes at Esquerchin near Douay, about 1750.
10. The jesuits college at St. Omer's came into the hands of the secular clergy in 1764.

II.—*Jesuits.*

1. The college at St. Omer's, founded in 1594, removed to Bruges 1764, suppressed 1773.
2. The noviciate at Watten, near St. Omer's, 1611; removed to Ghent 1765.
3. The college at Liege, established in 1616; turned into an academy for youth 1773.
4. The professed house of jesuits at Ghent, 1662; suppressed 1773.

Besides these, the jesuits had the direction of the Roman college, and of the three seminaries in Spain; they had also houses of missionaries in Maryland.

Jesuitesses established at St. Omer's 1608; removed to Liege 1629, and soon after to Munich.

III.—*Benedictines; Men.*

1. The abbey of Lamspring, in the bishopric of Hildesheim, four leagues south of the city of that name.
2. The priory at Douay, given them by the abbey of St. Vaast in 1604.
3. The priory of Dieulwart in Lorraine, 1606.
4. The priory of St. Malo's, 1611; removed to Paris 1642.
5. Schools for youth at La Celle in Brie, dependent upon the priory at Paris.

Women.

1. Abbey at Brussels, established in the year 1598.
2. Abbey at Cambray, in 1623.
3. Abbey at Ghent, 1624.
4. Abbey at Paris, 1651.
5. Abbey at Pontoise, 1652.
6. Abbey at Dunkirk, 1662.
7. Abbey at Ypres, a filiation from that of Ghent in 1665; given over to Irish nuns, part whereof went to Dublin in 1685 or 1686; the rest remained at Ypres till 1794.

IV.—*Carthusian Monks.*

The monastery of Shene near Richmend in Surry, founded by king Henry V. in 1416; retired to Bruges in 1559; next to Louvaine in 1578; then to Mechlin in 1591; and finally settled at Nieuport in Flanders 1626, till their suppression in 1783.

V.—*Brigettine Nuns.*

They were founded at Sion, in Middlesex; and in 1559 left England, and afterwards retired to Lisbon, where they still remain.

VI.—*Women of the Order of St. Augustine.*

1. A priory of canonesses of St. Austin, established at Louvaine in the year 1609.
2. A priory of the same at Bruges in 1629.
3. Another at Paris in 1633.
4. A convent of canonesses of the holy sepulchre at Liege.

VII.—*Dominican Friars.*

1. A convent of Dominicans at Bornheim on the Scheldt, between Ghent and Antwerp, 1658.
2. A college of Dominicans in Louvaine, dependent on the convent of Bornheim.

Women.

3. A convent of Dominican nuns at Brussels, established in 1690.

VIII.—*Franciscan Friars.*

1. A convent of English recolects, founded in Douay 1617.

Women of the Order of St. Francis.

1. A convent of poor Clares at Gravelines, 1803.
2. A convent of the same, called Colletines, at Rouen, 1648.
3. A convent of poor Clares at Dunkirk, 1652.
4. A convent of Conceptionists, in Paris, 1658.
5. A convent of nuns of the third order of St. Francis, at Bruges, 1658.
6. A convent of poor Clares, at Aire, in Artois, 1660.

IX.—*Carmelites or Teresians; Men.*

A convent established at Tongres, about the year 1770.

Women.

1. A convent of Teresian nuns at Antwerp.
2. Another at Lier in Brabant.
3. Another at Hoogstraete, in the north of Brabant.

NOTE III.—(referred to in p. 361.)

On the anonymous Letter respecting the Gunpowder Plot, delivered to Lord Monteagle.

(From Mr. Nash's *History of Worcestershire*, vol. I, p. 585.)

THE mansion-house* here is supposed to have been built by John Habington, cofferer to queen Elizabeth; the date in the parlour is 1572. His son, who was concerned in various plots, for the releasing Mary queen of Scots, and setting up a papist to succeed her, contrived many hiding-holes in different parts of the building. The access to some was through the chimney, to others through necessary-houses; others had trap-doors which communicated to back staircases: some of these rooms on the outside have the appearance of great chimnies. As the house is uncommonly constructed both within and without, I have had it engraved, together with the head of the builder. I have likewise given a slight sketch of Mr. Thomas Abingdon and his wife Mary, who was sister to lord Monteagle, so called during the lifetime of his father lord Morley. Tradition in this country says, she was the person who wrote the letter to her brother, which discovered the gunpowder plot. Percy, whose picture is at Henlip, was very intimate both with

* Henlip House in the Alfreton division in Worcestershire.

Abingdon and lord Monteagle, and is supposed by Guthrie to have written the letter; but the style of it seems to be that of one who had only heard some dark hints of the business, which perhaps was the case of Mrs. Abingdon, and not of one who was a principal mover in the whole, as was Percy, a desperado, who thought himself personally offended, and who was fit for the most horrid designs*. Mr. Abingdon, husband to this lady, was condemned to die for concealing Garnett and Oldcorn, as mentioned in the paper which follows; but was pardoned at the intercession of his wife and lord Monteagle.

Among the mss. in the Harleian library, marked, 38. B. 9. is the following account, which agrees with that given by Mr. Abingdon, in some mss. now before me, found in the house at Henlip.

“ A true discovery of the service performed at Henlip
 “ the house of Mr. Thomas Abingdon, for the apprehension of Mr. Henry Garnett, alias Walley,
 “ provincial of the jesuits, and other dangerous persons, there found in January last, 1605.

“ After the king's royal promise of bountiful reward
 “ to such as would apprehend the traitors concerned in
 “ the powder conspiracy, and much expectation of subject-like duty, but no return made thereof in so important a matter, a warrant was directed to the right
 “ worthy and worshipful knight sir Henry Bromlie;
 “ and the proclamation delivered therewith, describing

* The original letter, now preserved in the paper-office Whitehall, is exactly copied by Rapin; the beginning of it is, “ Love I bear to you;” but the word *you* is scratched out, and it goes on “ to some of your friends;” perhaps this might be cautiously erased by Mrs. Abingdon, lest it might lead to a discovery of the writer, by savouring too strongly of brotherly love. The letter indeed seems to be in a counterfeit hand, and not that of a lady.

“ the features and shapes of the men, for the better
“ discovering them. He, not neglecting so weighty a
“ business, horseing himself with a seemly troop of his
“ own attendants, and calling to his assistance so many
“ as in discretion was thought meet, having likewise in
“ his company sir Edward Bromley; on Monday, Jan. 20
“ last, by break of day, did engirt and round beset the
“ house of mayster Thomas Abbingdon, at Henlip, near
“ Worcester. Mr. Abbingdon not being then at home,
“ but ridden abroad about some occasions best known
“ to himself; the house being goodlie, and of great
“ receipt, it required the more diligent labour and pains
“ in the searching; it appeared there was no want;
“ and Mr. Abbington himself coming home that night,
“ the commission and proclamation being shewn unto
“ him, he denied any such men to be in his house,
“ and voluntarily to die at his own gate, if any such
“ were to be found in his house, or in that shire; but
“ this liberal or rather rash speech could not cause the
“ search so slightly to be given over, the cause enforced
“ more respect than words of that or any such like
“ nature; and proceeding on, according to the trust
“ reposed in him, in the gallery over the gate there
“ were found two cunning and very artificial convey-
“ ances in the main brick-wall, so ingeniously framed,
“ and with such art, as it cost much labour ere they
“ could be found. Three other secret places, contrived
“ by no less skill and industry, were found in and about
“ the chimnies, in one whereof two of the traitors were
“ close concealed. These chimney conveyances being
“ so strangely formed, having the entrances into them
“ so curiously covered over with brick, mortared and
“ made fast to planks of wood, and coloured black
“ like the other parts of the chimney, that very diligent
“ inquisition might well have passed by, without throw-

“ing the least suspicion upon such unsuspicious places—
“And whereas divers funnels are usually made to chim-
“neys according as they are combined together, and
“serve for necessary use in several rooms, so here
“were some that exceeded common expectation, seem-
“ingly outwardly fit for carrying forth smoke; but
“being further examined and seen into, their service
“was to no such purpose, but only to lend air and light
“downward into the concealments, where such as were
“enclosed in them at any time should be hidden. Eleven
“secret corners and conveyances were found in the said
“house, all of them having books, massing stuff, and
“popish trumpery in them, only two excepted, which ap-
“peared to have been found on former searches, and
“therefore had now the less credit given to them; but
“mayster Abingdon would take no knowlege of any of
“these places, nor that the books, or massing stuff,
“were any of his, until at length the deeds of his lands
“being found in one of them, whose custody doubtless
“he would not commit to any place of neglect, or where
“he should have no intelligence of them, whereto he
“could then devise no sufficient excuse. Three days had
“been wholly spent, and no man found there all this
“while; but upon the fourth day in the morning, from
“behind the wainscot in the galleries came forth two
“men of their own voluntary accord, as being no longer
“able there to conceal themselves, for they confessed
“that they had but one apple between them, which
“was all the sustenance they had received during the
“time that they were thus hidden. One of them was
“named Owen, who afterwards murdered himself in the
“Tower; and the other Chambers; but they would take
“no other knowledge of any other men’s being in the
“house. On the eighth day the before-mentioned place
“in the chimney was found, according as they had all

“ been at several times, one after another, though before
“ set down together, for expressing the just number of
“ them.

“ Forth of this secret and most cunning conveyance
“ came Henry Garnett the jesuit, sought for, and another
“ with him, named Hall; marmalade and other sweet-
“ meats were found there lying by them; but their
“ better maintenance had been by a quill or reed,
“ through a little hole in the chimney that backed
“ another chimney into the gentlewoman's chamber, and
“ by that passage cawdles, broths, and warm drinks, had
“ been conveyed in unto them.

“ Now in regard the place was so close, those customs
“ of nature which must of necessity be done, and in so
“ long a time of continuance, was exceedingly offensive
“ to the men themselves, and did much annoy them that
“ made entrance in upon them, to whom they confessed
“ that they had not been able to hold out one whole day
“ longer, but either they must have squealed or perished
“ in the place. The whole service endured the space of
“ eleven nights and twelve days, and no more persons
“ being there found, in company of mayster Abingdon
“ himself, Garnett, Hill, Owen, and Chambers, were
“ brought up to London, to understand farther of his
“ highness's pleasure*.”

Bishop Burnet says†, he saw in the gallery of English
jesuits at Rome, among the pictures of their martyrs,
that of Oldcorn, but not that of Garnett. This omission
he accounts for, by supposing that, perhaps they would
not expose to all strangers a picture with a name so
well known on it. Mr. Addison, in the lodgings of the
English jesuits at Loretto, saw the pictures of the two
Garnetts, Oldcorn, and others, who had been executed in

* Ashmole's mss. at Oxford, vol. 804, fol. 93.

† Letters, lett. iv. p. 260. 1724, 8vo.

England, to the number of thirty*. Garnett was certainly honoured as a martyr, though he disclaimed all pretensions to it in his remarkable apostrophe, "Me martyrem! O qualem martyrem!" Eudæmon Johannis, a Cretan jesuit, wrote his apology, and published it at Cologne, in 1610, with a very curious frontispiece, Garnett's portraiture in the centre of a wheat straw, such as it appeared to one of his disciples, who kept it as a relick, encircled with this legend, "Miraculosa effigies " R. P. H. Garnet Soc. Jesu. Martyris Anglicane, " 3 Maii, 1606†."

Garnett was a man of much learning, professor of philosophy and Hebrew, in the Italian college at Rome, and supplied the place of the celebrated Clavius. It doth not appear that he was active in the powder plot, and he declared, just before his execution, that he was only privy to it, and concealed what was delivered to him in confession. He was a Nottinghamshire man, and educated at Rome. He was hanged in St. Paul's church-yard, May 3, 1606.

Edward Oldcorn was priest to Mr. Habington at Henlip, and invited Garnett to come there: he was hanged at Worcester, April 7, 1606. For a further account of these priests, and likewise of the gunpowder plot, see the Appendix to the second part of the "Memoirs of Missionary Priests executed in England, from 1577 to 1684," printed in the year 1742.

* Travels, p. 92. 1745, 12mo.

† Mr. Benj. Pye's Third Letter on Phillips's Life of Pole Granger, i. 260. Suppl. p. 133.

NOTE IV.—(referred to in p. 288.)

The account of the Gunpowder Conspiracy, transmitted by the British Government to its foreign Ministers.

(From Winwood's Memorials, vol. ii. p. 170.)

The Earl of Salisbury to Sir Charles Cornwallis.*

Sir Charles Cornwallis,

9th Nov^r 1605.

IT hath pleased Almighty God out of his singular goodness, to bring to light the most cruel and detestable conspiracy against the person of his majesty and the whole state of this realme, that ever was conceived by the hart of man, at any time or in any place whatsoever. By the practice there was intended not only the exterpatation of the king's majesty and his royal issue, but the whole subversion and downfall of this estate; the plott being to take away at one instant the king, queen, prince, counsell, nobillitie, clergie, judges, and the principall gentlemen of the realme, as they should have been altogether assembled in the Parliament House in Westminster, the 5th of November, being Tuesday. The meanes how to have compassed so great an acte, was not to be performed by strength of men or outward violence, but by a secret conveyance of a great quantitie of gunpowder in a vault under the upper house of parliament, and soe to have blowne up all at a clapp, if God out of his mercie and just revenge against so great an abomination had not destined it to be discovered, though very miraculously, even some twelve houres before the matter should have been put in exe-

* *Ex Bibliothec. Cott. ibid.*

cution. The person that was the principall undertaker of it, is one Johnson a Yorkshire man, and servant to one Thomas Percy a gentleman pensioner to his majestie, and a near kinsman to the earl of Northumberland.

This Percy had about a year and a half agoe, hyred a part of Vyniard House in the old Palace, from whence he had access into this vault to lay his wood and cole; and as it seemeth now, had taken this place of purpose to work some mischief in a fit time. Hee is a papist by profession, and so is his man Johnson; a desperate fellow, who of late years he took into his service. Into this vault Johnson had at sundry times very privately conveyed a great quantity of powder, and therewith filled two hogsheads, and some thirty-two small barrells; all which he had cunningly covered with great store of billets and faggots; and on Monday, at night, as he was busie to prepare his things for execution, was apprehended in the place itself, with a false lanthorne, booted and spurred. There was likewise found some small quantitie of fine powder for to make a trayne, and a peece of match, with a tinder-box to have fyred the trayne when he should have seen time, and soe to have saved himself from the blowe, by some half an houre's respitt that the match should have burned.

Being taken and examined, he resolutely confessed the attempt, and his intention to put it in execution (as is said before) that very day and hower, when his majestie should make his oration in the upper house. For any complices in this horrible acte, he denyeth to accuse any; alledging, that he had received the sacrament a little before of a priest, and taken an oath never to reveale any; but confesseth that he hath been lately beyond the seas, both in the Lowe Countries and France, and there had conference with diverse English

priests; but denyeth to have made them acquainted with this purpose.

It remaineth that I add something, for your better understanding how this matter came to be discovered. About eight days before the parliament should have been begunn, the lord Mounteagle received a letter about six o'clock at night, (which was delivered to his footman in the dark to give him), without name or date, and in a hand disguised; whereof I send you a copy, the rather to make you perceive to what a straight I was driven. As soon as hee imparted the same unto mee, howe to govern myself, considering the contents and phrase of that letter, I knew not; for when I observed the generallitie of the advertizement and the style, I could not well distinguish whether it were frenzie or sporte; for from any serious ground I could hardly be enduced to believe that that proceeded, for many reasons; first, because noe wise man could think my lord to be soe weake as to take any alarme to absent himself from parliament upon such a loose advertizement: secondly, I considered, that if any such thing were really intended, that it was very improbable that only one nobleman should be warned and no more. Nevertheless, being loath to trust my owne judgment alone, and being alwaies inclined to do too much in such a case as this is, I imparted the letter to the earl of Suffolk lord chamberlain, to the end I might receive his opinion; where upon perusing the words of the letter, and observing the writing (that the blowe should come without knowledge who hurt them) we both conceived, that it could not be more proper than the time of parliament, nor by any other way like to be attempted than with powder, whilst the king was sitting in that assembly; of which the lord chamberlain conceived more probabillity, because there was a great vault under the said chamber, which was never used for any

thing but for some wood and cole, belonging to the keeper of the old palace. In which consideration, after we had imparted the same to the lord admirall, the earl of Worcester, the earl of Northampton, and some others, we all thought fitt to forbear to impart it to the king untill some three or four daies before the sessions. At which time we shewed his majestie the letter, rather as a thing we would not conceale because it was of such a nature, than anything perswading him to give further credit unto it untill the place had been visited.

Whereupon his majestie, who hath a naturall habitt to contemne all false fears, and a judgment so strong as never to doubt any thing which is not well warranted by reason, concurred thus farr with us, that seeing such a matter was possible, that should be done which might prevent all danger or nothing at all. Hereupon it was moved, that till the night before his coming, nothing should be done to interrupt any purpose of theirs that had any such develish practize, but rather to suffer them to goe on till the end of the day. And so Monday in the afternoon, the lord chamberlain, whose office is to see all places of assembly put in readiness when the king's person should come, takeing with him the lord Mounteagle, went to see all the places in the parliament house, and took also a slight occasion to peruse the vault; where finding only pyles of billets and faggots heaped up, his lordship fell inquiring only who owned the same wood, observing the proportion to be somewhat more than the house keeper was likely to lay in for his own use: and when answer was made that it belonged to one Mr. Percy, his lordship straight conceived some suspicion in regard of his person; and the lord Mounteagle takeing some notice, that there was great profession between Percy and him, from which some inference might be made that it was the warning of a friend, my lord chamberlain resolved absolutely to pre-

ceed in a search, tho' no other materials were visible. And being returned to the court, about five o'clock took me up to the king and told him, that tho' he was hard of belief that any such thing was thought, yet in such a case as this, whatsoever was not done to put all out of doubt was as good as nothing. Whereupon it was resolved by his majestie, that this matter should be so carried as no man should be scandalized by it, nor any alarme taken for any such purpose. For the better effecting whereof, the lord treasurer, the lord admirall, the earl of Worcester, and we two, agreed, that sir Thomas Knevett, should, under a pretext for searching for stollen and imbezzelled goods, both in that place and other houses thereabouts, remove all that wood, and so to see the plaine ground under it.

Sir Thomas Knevett going thither about midnight, unlook'd for, into the vault, found that fellowe Johnson newly come out of the vault, and without asking any more questions stay'd him; and having noe sooner removed the wood, he perceived the barrells, and soe bound the catiffe fast; who made no difficultie to acknowledge the acte, nor to confess clearly, that the morrow following it should have been effected. And thus have you a true narration from the beginning of this, which hath been spent in examinations of Johnson, who carrieth himself without any feare or perturbation, protesting his constant resolution to have performed it that day whatsoever had come of it; principally for the institution of the roman religion, next out of hope to have dissolved this government, and afterwards to have framed such a state as might have served the appetite of him and his complices. And in all this action he is noe more dismayed, nay scarce any more troubled, than if he were taken for a poor robbery upon the highway. For notwithstanding he confesseth all things of himself, and denyeth not to have some partners in this particular

practize, (as well appeareth by the flying of divers gentlemen upon his apprehension knowne to bee notorious recusants), yet could noe threatening of torture draw from him any other language than this, that he is ready to dye, and rather wisheth ten thousand deaths, than willingly to accuse his master or any other; until by often reiterating examinations, wee pretending to him that his master was apprehended, he hath come to plaine confession, that his master kept the key of that cellar whilst he was abroad; had been in it since the powder was laid there, and inclusive confessed him a principall actor in the same. In the meane time we have also found out (tho' he deny'd it long), that on Saturday night, the third of November, he came post out of the north; that this man rid to meet him by the way; that he dined at Sion with the earl of Northumberland on Monday; that as soon as the lord chamberlaine had been in the vault that evening, this fellowe went to his master about six of the clock at night, and had no sooner spoken with him, but hee fled immediately, apprehending straight that to be discovered, which at that time was rather held unworthy belief, tho' not unworthy the after tryall. In which I must need do my lord chamberlaine his right, that he could take no satisfaction untill he might search that matter to the bottome; wherein I must confess I was much less forward; not but that I had sufficient advertizement, that most of those that now are fled (being all notorious recusants) with many other of that kind, had a practise in hand for some stirre this parliament; but I never dreamed it should have been in such nature, because I never read nor heard the like in any state to be attempted in gross by any conspuration, without some distinction of persons. I do now send you some proclamations, and withall think good to advertize you, that those persons named in them, being most of them gentlemen spent in

their fortunes, all inward with Percey and fit for all alterations, have gathered themselves to a head of some fourscore or a hundred horse, with purpose (as we conceive) to pass over seas; whereupon it hath been thought meet in policie of state (all circumstances considered), to commit the earl of Northumberland to the archbishop of Canterbury, there to be honourably used untill things be more quiet: whereof if you shall hear any judgment made, as if his majestie or his counsell could harbour a thought of such a savadge practise to be lodged in such a nobleman's breast, you shall do well to suppress it as a malicious discourse and invention; this being only done to satisfy the world, that nothing be undone which belongs to policie of state, when the whole monarchy was proscribed to dissolution; and being no more than himself discreetly approved as necessarie, when he received the sentence of the counsell for his restraint.

It is also thought fit that some martial men should presently repair down to those countries where the Robin Hoods are assembled, to encourage the good and to terrifie the bad. In which service the earl of Devonshire is used, and commission going forth for him as generall; although I am easily persuaded, that this faggot will be burnt to ashes before he shall be twenty miles on his way. Of all which particulars I thought fit to acquaint you, that you may be able to give satisfaction to the state wherein you are; and so I commit you to God.

Your assured loving friend,
Salisbury.

From the Court at
Whitehall.

Postscript.—Although all ports and passadges are stopped for some time as well for ambassadors as others, yet I have thought good to advertize you hereof with the

speediest, the rather because his majestie would have you take occasion to advertize the king his brother of this miraculous escape.

Postscript.—Since the writing of this letter we have assured news that those traytors are overthrowne by the sheriffe of Worcestershire, after they had betaken themselves for their safetie in a retreate to the house of Stephen Littleton in Staffordshire. The house was fired by the sheriff: at the issuing forth, Catesby was slaine, Percy sore hurt, Graunte and Wrighte burned in their faces with gunpowder; the rest are either taken or slaine. Rookwood and Digby are taken.

END OF VOL. III.

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